

SEP 28 1999

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Gore Lands, Inc.
P. O. Box 28
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September 21, 1999

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: Comments on the CALFED Bay-Delta Programmatic EIS/EIR

Dear Mr. Breitenbach

Please accept and review the following comments and statements pertaining to the Water Transfer Program Plan included in the CALFED Bay-Delta Programmatic EIS/EIR.

1. Section 1.1, Page 1-3

"It is important to note, however, that water transfers are simply mechanisms to move water and not sources of water."

It is important to stress transferred water is not new water, but a reallocation of water away from one beneficial use to another. But on the same page, in the second bullet regarding water transfers serving as two major water management functions you state, **"In this manner, the transfer provides a new water supply to a receiving interest while reducing the long-term quantity available to the seller."** Hopefully others reading the EIS/EIR will not construe this to mean transfers are the end all, be all, solution to the problems in the Bay-Delta. To the contrary, even if transfers are considered a short-term solution, the damage done to healthy aquifers, if not closely monitored, will be monumental.

2. Section 1.1, Page 1-3

"While it is not a CALFED objective to increase the economic efficiency of water in the sense of causing water to move from relative lower value uses to relatively higher value uses per unit of water, a more efficient water transfer market probably will result in some degree of increased economic efficiency."

As the price of water increases, only the industries which generate a higher economic value will be able to afford to stay in business. Agriculture and its related industries produce over \$70 billion in economic benefit to California and are responsible for roughly 1 in 10 jobs, but we cannot compete with the high tech industries for water when prices rise. Ag production is volatile from year to year due to weather and water

availability, and its economic value fluctuates with the price of the crops. Farms provide open space, wildlife habitat, groundwater recharge, as well as, economic viability for rural area of origin counties.

3. Section 1.1, Page 1-3

"Providing a short-term method to move existing supplies from one location to another while other facilities are being constructed....., during temporary reductions in water supply due to outages of conveyance facilities, or while other technologies or land use policies take effect (desalination or growth control).

Since no new storage is in the works, only listed as feasible projects, short-term water transfers will become the norm not a temporary solution to moving water from one location to another. Due to the extreme length on time that will be required to construct surface storage projects, short-term transfers will become permanent long-term transfers. These "short-term" water supplies must not be used to meet future urban or ag growth demands in the receiving area.

Desalination and growth control should be an integral part of the plans for CALFED. Desalination is costly, but in the long run it may be the answer to the problem of water quality and water quantity for the major cities in California. CALFED should include funding for research and development of desalting techniques. The entire state could share in the cost of desalting plants since its water problems are a state wide matter.

Cities must be responsible when allowing land development. Planning must include the necessary local water supply for a building project before that project's construction is allowed. No more building a housing development then demanding that water be made available. Focus on small surface storage projects near urban areas which would help local government make informed planning decisions.

4. Section 1, Page 1-4

"Moving water from storage facilities (surface and subsurface) to various users throughout the state, including in-basin needs, in-stream flows for the environment, and exports."

Moving water from "subsurface", or ground water basins, from a healthy aquifer may be more detrimental that beneficial. Ground water is used and re-used through plants, domestic and wild animals, and through percolation to re-charge ground water levels and maintain in-stream flows. More benefits for wildlife, watershed protection, water quantity and rural community vitality will be realized if area of origin groundwater basins are not relied upon as the source of the Bay-Delta solution.

5. Section 1.1, Page 1.4

"Providing water for in-stream flow augmentation through actions such as fallowing, conservation and conjunctive use."

Fallowing farmland in specific localities, with the consent of local growers, may have some merit, but on a large scale it is unacceptable. The loss of crop revenue from fallowed agricultural land will devastate the economies of both the rural counties involved and the state of California in general. The loss of the associated water to improve flows downstream will only worsen the impacts on local streams and the natural wildlife habitats in transferring basins. Temporary fallowing, referred to on Page 1-5, will probably not be temporary. Once the water becomes part of a transfer, once that water becomes part of the water budget for another area, what are the chances it will be returned to the transferor?

Conservation of agricultural water must not be relied on as a solution to the Bay-Delta's problem. Farmers grow crops for profit. Water is a major expense in realizing that profit; therefore, it only makes economic sense to use ag water as efficiently as possible. Most farmers have been improving their water management practices for many years. How can they be expected to conserve when conservation has been their goal all along? How will forward thinking conservation be rewarded, or will it? Conjunctive use can be a reasonable water management tool, but it is best used in areas where overdraft has been allowed to occur, leaving an aquifer which can be readily recharged by imported water. Healthy aquifers, which are recharged by winter rains and run-off, must not be considered the sacrificial lamb to appease the thirst of urban growth and environmental needs. Groundwater basins which are not experiencing overdraft beyond that imposed by local in-basins demands must not be evacuated to create storage where none would naturally be available.

6. Section 1.1, Page 1-4

"Current storage capacity may not be sufficient to solve water supply and reliability problems, particularly with respect to transfers of water across the Delta."

Please change this statement to **is not sufficient**. In no way is the storage capacity, surface or subsurface, adequate to meet the needs of agriculture, the environment and our growing population. If surface storage, the most logical and rational choice, is not moved to the front and given the same consideration as the other program elements, 20 or 30 years from now we still will not have reached CALFED's goals. If a surface storage project was started today, it would take most of those 20 or 30 years to be completed and be brought on line.

7. Section 1.1, Page 1-5

"One of the assurance mechanisms proposed for the agricultural and urban water use efficiency programs is that local water agencies

have approved or certified water management plans in place as a condition of obtaining transferred water through new facilities, or possibly as a condition of obtaining approval from CALFED agencies for transfers using existing federal or state storage and conveyance facilities."

Many water districts have developed AB 3030 water management plans to protect their rights to surface water and groundwater supplies. The problem lies in the fact there is no protection for the environment or for the groundwater users outside the plan's boundaries. There must be regulations and guidelines for water transfers which address the impacts to whole basins or sub-basins to provide the necessary protections to prevent any adverse impacts to those who will not benefit from "willing buyer-willing seller" transfers.

8. Section 2, Page 2-1

"Generally, these transfers have been successful, but some transfer proposals have raised concerns regarding adverse impacts on other water users, rural community economies, and the environment."

Locally initiated, controlled and supported in-basin transfers have been successful over the years. But as a groundwater user on the border of a water district, I can attest to the fact that the 1994 Drought Water Bank **was not a successful water transfer** in the area of no re-directed impacts. The resulting drop in the groundwater levels forced local farmers to incur additional pumping costs and pump repairs.

If groundwater users are expected to sign on to the CALFED solution for the Bay-Delta, we must be included in the plans for that solution. Any and all planning and/or regulatory bodies established involving transfers, surface and/or sub-surface storage, conjunctive use, land conversion or any other item which may influence the environment or the economies of source counties and their citizens must include representation from individuals who rely solely on groundwater.

9. Section 2.1, Page 2-4

"Cal. Water code Section 1745.04 provides that a water supplier may contract to transfer water, or store water as part of a transfer, if the water supplier has allocated to users in its service area the water available for the water year and no other user receives less than the amount provided by that allocation or is otherwise unreasonably adversely affected without that water user's consent."

This section of the Cal. Water Code does not take into consideration the rights of the groundwater users outside the boundaries of water suppliers. The correlative water rights of groundwater users must be afforded the same consideration in California Law as do the rights other legal water users. Third party impacts forcing defense of correlative water rights

places an unreasonable burden on water users who receive no benefits, neither monetary or in the form of increased water supply.

10. Section 2.1, Page 2-5

"Cal. Water Code Section 1810 provides that ... without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred."

Who is to determine what is an unreasonable affect on the economy or the environment? What is considered unreasonable to one may be totally acceptable to another. Any loss of income or environmental quality may be devastating to a rural source county, but would go practically unnoticed in the larger receiving counties.

Water transfers must not cause any unreasonable affects in order to be allowed the use of a conveyance facility, but the unreasonable affects will not be apparent until after the water transfers take place. How will source counties protect themselves in the interim, while CALFED and other water interests practice water reallocation for the benefit of receiving counties?

11. Section 3.3.1, Page 3-2

"Generally, water transfers can result in three types of third-party impacts: (1) impacts on other legal users of water (usually downstream users), (2) environmental impacts, and (3) economic effects in the source area."

Although other legal users of water are listed as one type of third-party impact, the water users who rely solely on groundwater should be listed as a specific user because they are the ones whose lifestyle and livelihood will be affected the most. In the last full paragraph on Page 3-2 it is stated, "In extreme cases, affected groundwater users may lose the use of existing wells due to water quality degradation or lower groundwater levels". Without proper safeguards in place, extreme cases will become common occurrences. Protections must be in place to insure shallow domestic well water levels and water quality are not affected. No undue burden must be placed on residents of rural source counties.

12. Section 3.3.1, Page 3-3

"Develop agreement on the definition of third-party impacts and identify which impacts should be addressed."

All impacts must be addressed, not just a select few determined by those not living in affected regions. Local input is a must.

13. Section 3.3.2, Page 3-4

[Note that these rules apply to direct groundwater transfers but do not apply to groundwater substitution transfers where the groundwater is used on overlying lands.]

Laws must be initiated to protect groundwater users when conjunctive use or groundwater substitution transfers are made. Groundwater users in source areas not in overdraft need the same protections as overdrafted basins. Why must a water basin be forced into overdraft and risk economic and environmental damage before being afforded protection?

14. Section 3.3.2, Page 3-5

"Locally managed conjunctive use programs."

Locally managed conjunctive use programs must include representation from groundwater users who rely solely on groundwater for their livelihood. Third party impacts will not be addressed if groundwater users are not included in local conjunctive use programs.

15. Section 3.3.3, Page 3-6

"Additional legislation to protect water rights, including area of origin priorities."

Once again, water rights must be protected, but the correlative water rights of groundwater users must be included in any additional water rights legislation.

16. Section 3.3.4, Page 3-6

"Although the SWRCB must still make a finding of no adverse impact, there is a concern that a series of 1-year transfers may result in cumulative adverse impacts that are not subject to environmental analysis or mitigation requirements."

Even though CEQA prohibits these "piecemeal" projects, could a group of water districts do in-basin transfers one to another, thus allowing one district to transfer water each year separately, but still out of the same water basin? Cumulatively this would produce a long term transfer.

17. Section 3.3.5, Page 3-8

"An environmental water transfer registry."

Environmental water transfer data must be included in the data compiled by the Water Transfer Clearinghouse to insure that all data pertinent to water transfers is available to make accurate and informed decisions.

18. Section 3.4.2, Page 3-10

"... New water can be created only by reducing losses to unusable water bodies (rare in the Sacramento Valley), reducing surface outflow during periods of excess Delta outflow, reducing consumptive use of crops, or environmentally acceptable reductions in consumptive use of non-agricultural vegetation."

By CALFED's admission, it is difficult to create conserved water in the Sacramento Valley. Our groundwater basins supply water to agricultural, domestic, urban and environmental users, all without an additional

conveyance system. They supply water to root zones, shallow and deep. They supply instream flows to creeks, streams and rivers without the need for screened diversions. Therefore, the Sacramento Valley should not be considered a wealth of conserved water for future water transfers.

19. Section 4.1, Page 4-2

"7. Promote and encourage the development of standardized rules for transfers ..., so that water transfers do not cause degradation of groundwater basins or impair the correlative rights of overlying users and historical groundwater levels are sustained or improved."

This solution option is very important to the future of water transfers in California. The rights of all water users, including the groundwater users outside water district boundaries, must be considered before CALFED can go forward.

20. Section 4.4.1, Page 4-4

"Eventually develop a model (or models) on the groundwater/surface relationship in the Central Valley."

Please clarify to include models for the Sacramento Valley as a separate area, unrelated to the Central Valley.

21. Section 4.4.1, Page 4-4

"Collect information on transfers of all types (except intra-district transfers) for purposes of developing baseline data."

Intra-district transfers should also be included in the information collection to determine if intra-district short term transfers could possibly become cumulative and long term in nature.

22. Section 4.4.1, Page 4-5

"This function would be purely informational, provided on a contractual basis to the entity wanting the information."

Public information should not have a price tag on it. DWR, water districts, and municipalities would have access to technical analysis and pertinent data, but the individual, lacking public funding, would find any information to support adverse impacts out of their reach. All information collected must be available to all.

23. Section 4.5.3, Page 4-11

"In some cases downstream appropriators might be injured by a change in historic releases of stored water. If they are affected, these affects should be mitigated to non-injury or the transfer would not be approved under the water code."

The upstream sources areas must be afforded the same considerations as the downstream appropriators. All adverse affects must be mitigated to non-injury status or the transfer would be denied.

24. Section 4.5.4, Page 4-12

"One of the suggested solution options in Section 3.4 is development of a standardized guidebook.

A guidebook for water transfers must include input from groundwater users in source areas. Before a water transfer program can be acceptable, public input from all legal water users must be supported.

25. Section 5.3.1, Page 5-4

A fundamental philosophy of the CALFED program is that costs should, to the extent possible, be paid by the beneficiaries of the program actions."

Who are the beneficiaries? Groundwater users in source area, outside the confines of the water districts, will in no way benefit from water transfers. They will pay. Higher pumping costs, increased pump maintenance costs, loss of production, degradation of water quality, and negative affects to the environment are all a stark reality.

Bay-Delta environmental benefits will be borne by the public which will include the very individuals in source area who were negatively impacted by the water transfers in the first place.

Summary:

- Water transfers are not new water.
- Short term transfers must not become long term transfers to be included in the water budgets of the receiving areas.
- Fallowing productive farmland is not acceptable.
- Agriculturists have practiced water conservation to improve their profit margins for years.
- Current storage is not sufficient.
- Construction of new off stream storage is a must to meet the water needs of California. Twenty to 30 years from now is too late.
- Groundwater users outside the water district boundaries must be considered in AB 3030 plans.
- Groundwater users in source areas must be afforded the same level of protection for their correlative water rights as other legal water users.
- Unreasonable affects on the economy and environment of source counties must be defined.
- Identify all third party impacts.
- Promote and encourage standardized rules for water transfer with input from groundwater user who rely solely on groundwater.
- Develop models for the Sacramento Valley as well.
- Collect data on intra-district transfers as well.
- Make the public information collected by the clearinghouse available to all.
- Beneficiaries of water transfers must pay, not those who receive no benefits, either monetary or in increased water supplies.

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Thank you for the opportunity to express my concerns about where CALFED is going. Progress must be made carefully in order to create the solutions for the Bay-Delta which will be lasting.

Sincerely

Sharon Gore
Vice President

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September 22, 1999

Rick Breitenbach
CALFED Bay-Delta Program
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Sacramento, CA 95814

Re: Comments on 1999 CALFED Bay-Delta Draft Programmatic EIS/EIR

Dear Mr. Breitenbach:

Western Canal Water District (WCWD) appreciates the opportunity to provide written comments on the 1999 CALFED Bay-Delta Draft Programmatic EIS/EIR. WCWD participated in comment preparation through the Butte Basin Water Users Association, of which WCWD is a member. Therefore, these comments should be considered supplemental to BBWUA's comments. Since the document is "general" and not site-specific, WCWD's comments must be "general".

While incorporating the six core programs into one preferred alternative (the Through-Delta Conveyance Alternative) seems a noble idea, it appears that the agricultural community and Northern California will shoulder the burden. In turn, urban and environmental interests will reap huge benefits at the expense of agriculture. WCWD feels that these significant redirected impacts are unacceptable without clearly defined and meaningful mitigation measures, which are absent from the document.

WCWD supports the concept and goals of CALFED, specifically the six core programs. However, we feel that new water storage should be a priority inclusion in CALFED's mission statement as well.

Water Storage

With projected population increases there will be a critical need for new water supplies. Interim measures such as water transfers and conservation cannot be relied upon to provide reliable permanent supply. CALFED must not just study but actually construct storage facilities. Whether on-stream or off-stream, surface water storage projects provide numerous benefits to California. New water supply, flood protection, recreation and water supply reliability are just a few of the attributes of reservoirs. WCWD insists that CALFED include a time line for construction of storage facilities and be placed on a priority basis in the final EIS/EIR.

The current cost estimate of CALFED's solution is \$5,169,000,000. Of this amount, \$370,000,000 will be used for the "Integrated Storage Investigation Program". However, only \$70,000,000 will go towards surface water storage. Only 1.35% of CALFED's budget will go towards surface water storage investigations! This is absolutely unacceptable compared to 38.69% (\$2,000,000,000) of the budget for water use efficiency and 17.6% (\$910,000,000) for ecosystem restoration.

It is evident that CALFED does not view surface water storage as a viable option. If new surface water storage is not part of the solution, WCWD will not support the Preferred Program Alternative.

Water Transfers/Water Use Efficiency

WCWD has engaged in water transfers in the past (1991, 1992, 1994 Drought Water Bank) and would consider participating in future water transfer programs while encouraging new water storage projects. Water transfers may help the state meet demands for the short term, but long term transfers may have serious local impacts such as aquifer overdraft, water quality degradation and harm to the environment. Water transfers will not achieve local public acceptance without a commitment to new storage.

Water Code section 1011 provides for and encourages the creation and transfer of conserved water. WCWD's goal is to operate at the most efficient level possible. The Department of Water Resources should recognize all conserved water by WCWD (which is owned by WCWD pursuant to WC 1011) as a value to the State and compensate WCWD for its increasing water use efficiency. Without payment or credit, there is little incentive to make capital improvements and to dedicate staff time necessary to expand conservation efforts. CALFED must support the transfer of conserved water in the final EIS/EIR.

CALFED must also recognize past conservation efforts by all water users. If a water district (ag or urban) has implemented water use efficiency measures in the past, they

should be recognized and credited for such programs. To measure conservation efforts beginning right now would be rewarding current wasters of water and ignoring programs implemented in the past. In essence, WCWD would be penalized for being good stewards and beneficially using water for agriculture and environment, voluntary water conservation efforts including conjunctive use with much political backlash, habitat restoration and removal of four dams on Butte Creek.

There is an obvious disparity between the water transfer and water use efficiency programs. The water transfer program fails to recognize conserved water as transferable. It is conflicting to encourage water conservation without recognition of conserved water as a new water supply available for transfer. In fact, the water use efficiency program (section 4.4) states that reducing losses in the Sacramento Valley would deplete supplies with no net gain.

The failure to recognize conserved water also prevents Sacramento Valley water users from contributing to instream flows for ecosystem benefits (i.e. WCWD conserves water by reducing tailwater and attempts to transfer said water for instream use; it would be unable to do so under the water transfer program because of the no-injury rule). It is unclear why North-State water transfers are emphasized at the same time not permitting conserved water to be eligible. Perhaps WC section 1011 should be amended from a water rights protection provision to a water transfer provision.

Meander Belts

WCWD is strongly opposed to this back to nature concept. Taking several thousand acres of prime agricultural land out of production will put some of our landowners out of business. These meander zones could threaten existing infrastructure within our district. WCWD recently completed the Gary N. Brown Siphon at a cost of approximately \$10,000,000. This project which was a joint funding effort of WCWD, California Urban Water Agencies, U.S. Department of Interior and CALFED Category III Program, helped restore over 25 miles of Butte Creek to unimpeded flow. A meander belt near this area could render the siphon useless. CALFED needs to more carefully consider the negative consequences of the meander zone concept on productive land and/or infrastructures. The significant redirected impacts to WCWD are unacceptable.

Watershed Management

WCWD supports watershed management strategy that will include all stakeholders. Without input by those who will be impacted, there can be no consensus on a plan. Watershed management strategy should not include accumulation of woody debris in creeks and rivers if it threatens the integrity of bridges, levees and other structures. Several bridges in or near our district were damaged in 1997 and 1998 by woody debris that became dislodged by flood waters.

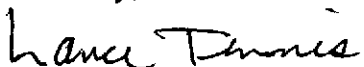
Financing

The discussion regarding financing the CALFED program is vague and inadequate. The concept of "beneficiaries pay" is poorly delineated. Supposedly everyone benefits from all elements of the program, yet causative factors resulting in decline of the Bay-Delta are not discussed. WCWD believes that the entire state has benefited from the utilization of Delta resources and thus, it should be taxpayer supported. However, the so-called "broad-based diversion fee" suggested in the Revised Phase II Report (page 143) as a potential funding source specifically targets water districts and is anything but "broad based". Listed as one of the advantages of the fee is that it is supported by stakeholder groups. As a stakeholder in this process, WCWD does not support that statement and strongly requests its removal from the document.

WCWD also requests the removal of the statement on page A-15 of Appendix A regarding the Bay-Delta hearings: "The result of these hearings will most likely lead to increases in in-stream flows in most, if not all, of the tributaries to the Delta. This change would improve conditions for fish and other aquatic species in those tributaries." It is entirely inappropriate for CALFED to prejudge Phase 8 of the SWRCB hearings.

It is WCWD's sincerest wish that these comments submitted will help the CALFED Bay-Delta program achieve a solid, logical and workable solution to the Bay-Delta without redirecting significant negative impacts to agriculture. WCWD realizes that we must all work together to accomplish the goals at hand. We believe that the only feasible answer to California's long term water problems is building additional surface water storage facilities. If this option is eliminated from the list of solutions, then the result will most certainly be a multiple choice of inadequate answers.

Sincerely,



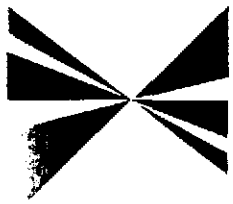
Lance Tennis, President
Board of Directors, WCWD

cc: Association of California Water Agencies
Northern California Water Association
Butte County Board of Supervisors
Glenn County Board of Supervisors

SEP 28 1999

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September 23, 1999

Mr. Rick Breitenbach
CALFED BAY-DELTA PROGRAM
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Sacramento, CA 95814

RE: Our Comments and Principles on the Draft Programmatic
Environmental Impact Statement/Report
(SCAG IGR# I19990371)

Dear Mr. Breitenbach:

On behalf of the Regional Council of the Southern California Association of Governments (SCAG) I am submitting our official PEIS/R Policy and Technical Comments, along with our adopted CalFed Policy Principles and Testimony. These are contained in the four enclosed attachments.

SCAG has taken an active interest in the CalFed process, hoping that this extraordinary effort to improve our state's water future will succeed. At your public hearings in the SCAG region in August and September we expressed our concerns about the proposed Program in the key areas of water quality, water supply, governance and financing. We strongly believe that the long-term success of a CalFed Program requires the modifications and specificity we've suggested.

Our Association of Governments represents 188 cities and 6 counties in southern California, with elected officials representing more than 16 million people. Since we expect that by 2020 this region will be home to more than 23 million residents (an increase of nearly 50%) you can understand our sense of urgency about CalFed's success.

Sincerely yours,

Mark Pisano
Executive Director

Enclos.

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San Diego County Transportation Commission: Lower, Huerfano

San Diego County Transportation Commission: La, San Valley

ATTACHMENT 1

OFFICIAL POLICY COMMENTS ON CALFED'S PREFERRED PROGRAM ALTERNATIVE IN ITS REVISED PROGRAMMATIC EIR/S

Adopted on September 2, 1999 by the Regional Council of the
Southern California Association of Governments

1. **Finance:** There is no detailed financing plan expected until around the time of the Record of Decision. It would be sensible to have a detailed financing plan available for comment well in advance of the time for a Record of Decision.
2. **Governance:** There is no proposal for a long-term CalFed Governance structure. The current decision structure which is a collection of independent agencies is strictly an interim structure. Looking forward to long-term Program implementation and accountability, an integrated, cohesive structure is essential. This structure would have delegated authorities from state and federal agencies that would give appropriate power to the entity responsible for delivering on Program promises and intent.
3. **Water Management:** The proposed Program calls for flexible water management but there is no management framework proposed that guarantees a more reliable water supply or needed *net increases* in water deliveries. The need for clear guarantees was evident in 1998 when, in spite of a very wet year, water deliveries from the Delta were cutback by 500,000 acre feet in order to accommodate the ecosystem needs of the Delta smelt fish. A program in which all plans and commitments are randomly overridden by the workings, for example, of the Endangered Species Act is an incomplete program.
4. **Assurances:** The Program needs clear assurances that identified objectives and plans give assurances of fulfillment to the stakeholders who expect to pay for Program costs. At present, for example, the Program identifies water quality targets but does not *make firm commitments on the quality of water and a timetable* for that water to be produced by the Program. Even the targets for improved quality fall far short of the source water quality needed by agencies in the SCAG region in order to be in compliance with drinking water regulations or to make most efficient use of their water supplies. Even though failure to meet these water quality targets was identified as the basis for building an isolated facility, those "triggering" targets have still not been specified, not to mention any other requirements required for quickly implementing this additional conveyance.

ATTACHMENT 2

OFFICIAL POLICY PRINCIPALS ON CALFED'S BAY-DELTA PROGRAM

**Adopted on September 2, 1999 by the Regional Council of the
Southern California Association of Governments**

The issue of greatest concern to southern California is improved water quality. With higher quality water reaching the SCAG region our communities will be able to reclaim and reuse water for additional uses, bringing greater reliability and drought-proofing. This improvement in water quality is all the more important considering the future compliance burdens on the region that will be created by stricter Federal Clean Water Act standards.

Along with water quality we need an integrated water system that delivers timely and adequate supplies, using appropriate storage and conveyance resources in the system. We see connections between quality and supply that deserve careful consideration by Bay-Delta decision-makers.

In order to implement a complex, long-range Bay-Delta program we need a streamlined decision process that works with needed planning and feasibility studies, entitlements, analyses and permits. An effective decision process necessitates a governance structure that is integrated and capable of making authoritative decisions that bind all of the CalFed parties to orderly implementation and action. Delays must be avoided in order for the over-all program to keep faith with all Californians.

Funding for Bay-Delta improvements must be developed around a specific financing plan. In the interests of equity among all stakeholders, a specific plan must balance CalFed benefits received and CalFed costs paid. This plan must also include the costs incurred outside the Delta by stakeholders who receive impaired Delta source water that needs local treatment to comply with federal and state drinking water regulations. This plan's specific financing strategies need to be developed clearly with stakeholder involvement and must be fiscally sound. For example, any new demands on the Delta water supply created by CalFed environmental and recreational projects need to be funded comprehensively as a recognition of the general public benefits delivered.

Southern California needs assurances that any CalFed solution will provide regional, as well as statewide benefits in an equitable, timely and balanced manner. Ecosystem and water management considerations, for example, need to be managed within a "no surprises" framework, allowing the program to proceed with a minimum of disruption and delay. Along with a "no surprises" approach other assurances regarding quality standards for delivered water, infrastructure development and flexible system management solutions must be objectively evaluated, selected, and implemented for the benefit of the Bay-Delta system and for all Californians.

ATTACHMENT 3A

Remarks by

EILEEN ANSARI

Councilmember, City of Diamond Bar

Speaking for the Water Policy Task Force

of the Southern California Association of Governments

August 19, 1999

Regarding CalFed's Preferred Program Alternative And its Water Quality Element

Good evening. My name is Aileen Ansari and I am a Councilmember from Diamond Bar. I am addressing you this evening in my capacity as a member of the Water Policy Task Force of the Southern California Association of Governments, the organization informally known in this area as SCAG. The remarks I am making for your record of public comment are based on the Task Force's consideration this week of your updated Programmatic EIS/EIR. The Task Force advises SCAG's regional governing body on water issues. At its meeting on September 2, that body will formally consider for final presentation to you the unanimously recommended Program comments and CalFed Policy Principles of the Task Force. In the meantime the SCAG Water Policy Task Force wants me to review with you tonight certain concerns we have with the selection you have made of the Preferred Program Alternative.

While we are very aware of the complexity of the Bay-Delta water system and the difficulty this has created for your work with so many interest groups, we are very concerned about the Program's ability to improve water quality throughout the system.

As you well know, improving water quality has been one of the four major goals of your process. This key objective has enormous significance for the Delta's ecosystem as well as for water consumers in northern and central and southern California.

To CalFed's credit the proposed Program identifies the need to lower salinity, organic, and bromide levels in the Delta. We do need improvements in these areas!

What causes us concern, however, is the lack of clear commitments to achieve specific improvement results. Without a clear commitment, for example, to deliver 150 TDS water, the urban water agencies serving southern California are faced with much lower water use efficiencies. Without a clear commitment to get control of the bromide problem, these agencies are faced with significant local treatment costs in order to comply with tougher drinking water standards.

The impact of expensive treatment costs that would result from CalFed's failure to deliver water of sufficient quality in Stage 1 is an impact that is not addressed satisfactorily in the Preferred Program Alternative. For whatever its benefits, adaptive management in this element does not assure us of CalFed's commitment to real improvements in water quality.

In order for all of the state to participate in expensive levee restorations and habitat or species protection we need to count on better quality water in the Delta and south of the Delta. If this quality is left to be a "we'll try our best" element of the Program I have to tell you that the Program will not gain the support it needs to succeed. With early Program expenses exceeding \$5 billion it is obvious to us that real, timely value must be delivered to those who pay the bill.

With the Program's current fuzziness on expected water quality results we believe that CalFed needs to sharpen its pencils and bring us a Program that we can support because it will produce cleaner water on predictable terms in needed timeframes.

ATTACHMENT 3B

Remarks by
EILEEN ANSARI
Councilmember, City of Diamond Bar
Speaking for the Water Policy Task Force
of the Southern California Association of Governments
August 24, 1999

Regarding CalFed's Preferred Program Alternative And its Governance Element

Good evening. My name is Aileen Ansari and I am a Councilmember from Diamond Bar. I am addressing you this evening in my capacity as a member of the Water Policy Task Force of the Southern California Association of Governments, the organization representing local and county governments in Ventura, Los Angeles, Orange, San Bernardino, Riverside and Imperial Counties. The remarks I am making for your record of public comment are based on the Task Force's consideration of your updated Programmatic EIS/EIR. The Task Force advises SCAG's regional governing body on water issues. At its meeting on September 2, that body will formally consider for final presentation to you the unanimously recommended Program comments and CalFed Policy Principles of the Task Force.

In the meantime the SCAG Water Policy Task Force wants me to review with you tonight certain concerns we have with the selection you have made of the Preferred Program Alternative. While we are very aware of the complexity of the Bay-Delta problems and the variety of interests affected by these problems, we are very concerned about the Program's silence on its long-term governance.

We see a very real connection between the complexity of the Bay-Delta problems and the need for a reliable governance structure. Up to this point the process has been a collaboration among 15 state and federal agencies and various stakeholders. In this effort at developing Bay-Delta solutions each of these parties has retained their autonomy and independence of action.

Unfortunately, the Preferred Program Alternative does not provide anything more than an interim governance solution. And that solution merely continues the unwieldy and uncertain arrangement now in place. For this reason we believe that the Preferred Program needs additional refinement and reality before it can earn the support of local governments in Southern California and the people who will be asked to pay for this Program.

We believe that the successful long-term implementation of balanced Bay-Delta solutions requires an integrated, cohesive governance structure. This kind of structure is needed to bind all of the CalFed parties to streamlined processes that include independent feasibility studies, authoritative decisions, and project entitlements or permits. It is also important that the representation of interests in this structure bear some relationship to the financial contributions being made.

We are looking for a permanent governance solution in which autonomous state and federal agencies delegate their Bay-Delta authorities to the CalFed implementation agency. This approach not only creates needed accountability in Phase III plans and actions, it gives appropriate power to the entity responsible to all Californians for delivering on the Bay-Delta Program's promises and intent in our lifetimes.

ATTACHMENT 3C

HARRY L. BALDWIN

Vice Mayor, City of San Gabriel

Speaking for the Water Policy Task Force
of the Southern California Association of Governments

August 31, 1999

Regarding CalFed's Preferred Program Alternative
And its Financing Element

Good evening. My name is Harry Baldwin and I am the Vice Mayor of the City of San Gabriel and President of the San Gabriel Valley Council of Governments. I am addressing you this evening in my capacity as a member of the Water Policy Task Force of the Southern California Association of Governments, the regional organization representing city and county governments in Ventura, Los Angeles, Orange, San Bernardino, Riverside and Imperial Counties.

The remarks I am making for your record of public comment are based on the Task Force's consideration of your updated Programmatic EIS/EIR. The Task Force advises SCAG's regional governing body on water issues. At its meeting on Thursday, September 2, that body will formally consider for final presentation to you the unanimously recommended Program comments and CalFed Policy Principles of the Task Force.

In the meantime the SCAG Water Policy Task Force wants me to review with you tonight certain concerns we have with the Financing Plan for your Preferred Program Alternative.

It is of great concern to us that you want us to comment on a financing plan that does not yet exist. You set September 23rd as the deadline for our comments on the financing plan, but the actual financing plan will not be published until sometime next year. This is not right.

We appreciate the importance of a real financing plan. That's why we believe the selection of a preferred alternative cannot precede the completion of the plan that prices the benefits and allocates the costs.

It is not enough to have a discussion of the various techniques of financing, to consider the range of possibilities from general obligation bonds and government expenditures to user fees and charges. Instead, we need a realistic plan that allows individuals and businesses, governments and water agencies to assess the cost-benefit realities of a preferred alternative.

As you know from our previous testimony on our region's water quality needs, we are very uncertain about your program's ability to deliver higher quality water. If, because of the choices you recommend, not to mention the unknowns of nature, even seismic calamity, our source water quality is impaired in the Delta, we will have significant local treatment costs to pay. Unfortunately, federal clean drinking water standards are not as flexible as your "wait and see" approach to water quality projects.

As you can understand, these local treatment costs are extended costs for your program and for our region's valuable state project water. Since these extended costs create the true cost for the Program in southern California, we ask you to fully include these potential added costs in next year's financing plan. We need, all the stakeholders need, the total picture. Thank you.

ATTACHMENT 3D

ARTHUR C. BROWN

Councilmember, City of Buena Park
Speaking for the Regional Council
of the Southern California Association of Governments
September 2, 1999

Regarding CalFed's Preferred Program Alternative
And its Water Supply and Reliability Element

Good evening. My name is Art Brown and I am a Councilmember of the City of Buena Park. I am addressing you this evening in my capacity as Chairman of the Water Policy Task Force of the Southern California Association of Governments, the regional organization representing city and county governments in Ventura, Los Angeles, Orange, San Bernardino, Riverside and Imperial Counties.

The remarks I am making reflect the policy voted on by the Regional Council, SCAG's governing body. In its decision earlier today it formally adopted a set of comments on your proposed Program, as well as a statement of CalFed policy principles. These comments and principles as recommended by our Task Force have shaped our testimony for the region in three previous CalFed public hearings. At those hearings our elected officials have offered comments on source water quality from the Delta, CalFed governance, and CalFed financing. I am placing in the record tonight a copy of the Regional Board's actions, as well as copies of our previous testimony.

My testimony this evening is about our region's need for water supply and reliability. Five years ago as we began this process, water supply and reliability were major goals for CalFed. We worked through complex problems anticipating a balanced Preferred Program Alternative that would bring comprehensive improvements. Unfortunately we are still waiting for a balanced Program.

It is disappointing to review California's recent water history. In the last two decades we have seen the neglect and decline of our state's water supply and delivery system. In the past 10 years alone, the state's cities and farms have lost more than a million acre feet of water supply from the Delta.

In order for us to support a CalFed solution, we need to have reliable new supplies that in combination with our local supplies will meet the needs of our growing region. By 2020 we will have 7 million more residents in our part of southern California who will be conserving and reclaiming and recycling water at unprecedented rates. And even at these rates we need a CalFed solution that delivers an average of 75% of our area's state water entitlement, not the usual 40% or less. And remember: our region is already paying every year for about a million acre feet that we never receive!

When we look in Stage 1 for a Program that delivers, what we get instead is one that drips.

An optimist looks at your Program and sees a chance for 200,000 acre feet of annual new water supplies. A realist sees a chance of new annual losses of another 700,000 acre feet. It's hard to believe, but we can wonder if CalFed is moving California backwards!

We urge you to meet your responsibilities to ALL the people of California. Enact operating and regulatory policies for reliability...

- that eliminate surprises even in wet years,
- that protect us against sudden calamities,
- that rely on good science and informed decision-making,
- that reflect real urgency in implementing new water supply and storage projects.

These policies will not only get us through our next drought, they will strengthen our economy and our ability to pay for other improvements needed in the Delta. Thank you.

ATTACHMENT 4

COMMENTS ON THE DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT FOR THE CALFED BAY-DELTA PROGRAM

ADOPTED BY THE
REGIONAL COUNCIL
OF THE
SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
ON SEPTEMBER 2, 1999

PROJECT DESCRIPTION

The CALFED Bay-Delta Program is a cooperative effort by fifteen state and federal agencies with regulatory and management responsibilities in the San Francisco Bay-Sacramento/San Joaquin River-Bay Delta to develop a long-term plan to restore ecosystem health and improve water management for beneficial uses of the Bay-Delta System. The objective of this collaborative planning process is to identify comprehensive solutions to the problems of ecosystem quality, water use efficiency, water quality, Delta levee and channel integrity.

INTRODUCTION TO SCAG REVIEW PROCESS

The document that provides the primary reference for SCAG's project review activity is the **Regional Comprehensive Plan and Guide (RCPG)**. The RCPG chapters fall into three categories: core, ancillary, and bridge. The **Growth Management** (adopted June 1994), **Regional Mobility** (adopted June 1994), **Air Quality** (adopted October 1995), **Hazardous Waste Management** (adopted November 1994), and **Water Quality** (adopted January 1995) chapters constitute the core chapters. These core chapters respond directly to federal and state planning requirements. The core chapters constitute the base on which local governments ensure consistency of their plans with applicable regional plans under CEQA. The Air Quality and Growth Management chapters contain both core and ancillary policies, which are differentiated in the comment portion of this letter. The Regional Transportation Element (RTE) constitutes the region's Transportation Plan (also referred to as Community Link 21). The RTE policies are incorporated into the RCPG.

Ancillary chapters are those on the Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, **Water Resources**, Energy, and Integrated Solid Waste Management. These chapters address important issues facing the region

and may reflect other regional plans. Ancillary chapters, however, do not contain actions or policies required of local government. Hence, they are entirely advisory and establish no new mandates or policies for the region.

Bridge chapters include the Strategy and Implementation chapters, functioning as links between the Core and Ancillary chapters of the RCPG.

Each of the applicable policies related to the proposed project are identified by number and reproduced below in italics followed by SCAG staff comments regarding the consistency of the Project with those policies.

General SCAG Staff Comments

In terms of CEQA:

1. Guidelines Section 15125, Environmental Setting, Subsection [c] requires discussion of the regional setting. Further, commentary included in the **Discussion** following the cited section states:..*"A number of agencies have been required to spend large amounts of public funds to develop regional plans as a way of dealing with large-scale environmental problems involving air and water pollution, solid waste and transportation. Where individual projects would run counter to the efforts identified as desirable or approved by agencies in the regional plans, the Lead Agency should address the inconsistency between the project plans and the regional plans."*...
2. In addition, Section 15125 [d] states that: *"The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains."*
3. The DEIR states that no potentially significant unavoidable impacts on urban land uses are associated with preferred program alternative. Due to the programmatic nature of the environmental document, only general information is provided at this time, and specific effects of the project will be determined in subsequent environmental analysis as program improvements are sited and scheduled for implementation.

SCAG would be interested in receiving copies of future documents which evaluate the environmental impacts of future projects on the SCAG Region. At that time,

we will comment on the consistency of the proposal with the appropriate regional plans.

The DEIR does include future population and water usage for Southern California, which shows a population increase of 46% over the 1990 census population for the year 2020. This number is generally consistent with SCAG's regional forecast for the same year

Consistency With Regional Comprehensive Plan and Guide Policies

The Growth Management Chapter (GMC) of the Regional Comprehensive Plan and Guide contains a number of policies that are particularly applicable to the CALFED Bay-Delta Project.

a. Core Growth Management Policies

- 3.01 *The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies, shall be used by SCAG in all phases of implementation and review.*

SCAG staff comments. The Draft EIS/EIR includes a discussion of existing and forecasted year 2020 population and economic indices. The data is portrayed by major geographic region including the Delta, San Francisco Bay, Sacramento River, San Joaquin River and State Water Project (SWP)/Central Valley Projects (CVP) Outside the Central Valley. Portions of the State Water Project region, served by the Metropolitan Water District of Southern California,

lie within the SCAG region. The population forecasts for these regions reflect California Department of Finance estimates. The economic forecasts were derived from CALFED's IMPLAN input-output data base.

The Draft EIS/EIR acknowledges that, "no significant direct or indirect effects on urban land uses in the SWP and CVP Service Areas Outside the Central Valley." In addition, the Draft EIS/EIR specifically note that, "the compatibility and consistency of potential CALFED actions with county and city general plans and local land use plans are not evaluated in this programmatic-level of analysis."

The population and water supply/use forecasts in of the Draft EIS/EIR for the SWP portion of the SCAG region are consistent with forecasts contained in the Draft California Water Plan Update (Bulletin 160-98). SCAG's comments on this document noted that the forecasts do not include a comparison with the recently adopted RTP97 SCAG Population, Household and Employment forecasts for year 2020. These forecasts follow:

County Forecasts	Ventura	Los Angeles	Orange	Riverside	San Bernardino	Imperial	SCAG Region
Population	932,300	12,249,100	3,244,600	2,816,000	2,830,100	280,000	22,352,000
Households	326,400	3,984,100	1,102,300	918,000	904,900	84,600	7,320,000
Employment	485,500	5,817,600	2,116,600	960,800	1,103,400	89,900	10,574,000

We recommended that the Department of Water Resources contact SCAG's data unit and request a disaggregation of our recently adopted population, housing and employment forecasts to correspond with the boundaries of the South Coast, South Lahontan and Colorado River hydrologic regions. Based on the information provided in the Draft EIS/EIR, we are unable to determine whether the Bay-Delta Program is consistent with this core RCPG policy.

3.03 The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.

SCAG staff comments: The Draft EIS/EIR for the Bay-Delta Project details various alternative water related facilities, that although they are not located within the SCAG region, their timing, financing and location could impact the SCAG region's growth policies. The Draft EIS/EIR in addressing the SWP portion of the SCAG region, discusses a number of potential growth and land use impacts on southern California as a result of implementing the various Bay-Delta alternatives. Among these stated impacts are:

"Agricultural water users in this region would receive some of the additional water supply developed by most of the configurations, ranging from about 60,000 to 700,000 acre-feet (annual average)";

"Indirect changes in land use may result from the Water Use Efficiency Program. In some instances, agricultural land may be removed from production because of increased costs and decreased profitability which could result from required efficiency improvements or increased district water charges. Conversely, improved efficiency may allow the continued viability of agriculture in some areas.";

"Salinity intrusion avoidance benefits of the Levee System Integrity Program would also accrue to this region. Substantial conversion of agricultural land in the Delta Region could shift some production to desert areas in southern California, such as the Imperial Valley. Additional water would be available to SWP contractors in the South Coast. Potential charges imposed on agricultural water use to recover costs of program components could lead to significant changes in agricultural activities (such as, crop selection and water use)";

"Water transfers would increase agricultural production, incomes, and employment opportunities associated with any transfer that uses the water for agricultural production outside the Central Valley. The net change in jobs is expected to be minimal, with only minor effects on community stability";

Considering the generalized presentation and diversity of the land use and growth impact data in the Draft EIS/EIR, as noted above, it is likely that the Bay-Delta Project would have generally supportive impacts on growth policies in the SCAG region. The Bay-Delta Project is consistent with this core RCPG policy.

b. Ancillary Growth Management Policies

- 3.05 *Encourage patterns of urban development and land use which reduce costs on infrastructure construction and make better use of existing facilities.*

SCAG staff comments. The Bay-Delta Project alternative configurations would facilitate delivery of increased quantities SWP water to the southland over the No Action strategy. This would make more water of a higher quality available to serve existing as well as future development patterns. This additional water would help reduce the costs of infrastructure construction in southern California and facilitate the better use of existing facilities. The Bay-Delta Project is supportive of this ancillary RCPG policy.

- 3.07 *Support subregional policies that recognize agriculture as an industry, support the economic viability of agricultural activities, preserve agricultural land, and provide compensation for property owners holding land in greenbelt areas..*

SCAG staff comments. See previous staff comments on SCAG Policy 3.03 as they pertain to supporting agriculture in southern California. The Bay-Delta Project is generally supportive of this ancillary SCAG policy.

- 3.19 *Support policies and actions that preserve open space areas identified in local, state, and federal plans.*

SCAG staff comments. The Draft EIS/EIR acknowledges that, "implementing any of the CALFED project would potentially result in a gain in open space/habitat uses, benefiting recreational opportunities". Although these recreational/open space/habitat benefits would occur primarily in the Bay-Delta region, they would benefit all Californians directly or indirectly. The Draft EIS/EIR acknowledges negligible beneficial impacts on recreational resources would occur due to improved water quality in the SWP and CVP service areas outside the Central Valley. Water quality delivered is expected to be greatly improved because of the operations of the isolated facilities. This is expected to result in beneficial impacts on recreational opportunities at receiving reservoirs and canals". As a whole the Bay-Delta Project would benefit open space/habitat/recreational resources. The Bay-Delta Project is supportive of this ancillary SCAG policy.

- 3.20 *Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands and lands containing unique and endangered plants and animals.*

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Program, “will be implemented through the program of adaptive management, because the effects on the ecosystem are uncertain.” This includes an extensive discussion of potential impacts of the various alternatives on fisheries and aquatic ecosystems, and vegetation and wildlife.

The Project would include the beneficial impacts of the Ecosystem Restoration and Water Quality programs, in addition to selective beneficial and adverse impacts. The following adverse impacts include: increased entrainment loss, reduced productivity, delayed migration of fish species, and adverse impacts to spawning and rearing habitat. The Ecosystem Restoration and Water Quality programs would benefit many aquatic species through increased habitat abundance and improved habitat conditions. The Draft EIS/EIR acknowledges that implementation of the CALFED Project would have minimal impact on fisheries and aquatic resources in Southern California, although some potential exists for an increase in organisms transported with an increased quantity of water, in addition to the potential for introduction of non-native species.

With regard to impacts to vegetation and wildlife, the CalFed Project would result in minimal adverse impacts on vegetation and wildlife communities, resulting from increased facility construction, but will provide benefits to some species as a result of enhancement and creation of habitat. The Ecosystem Restoration and Water Quality Programs will lead to improved habitats. The Draft EIS/EIR acknowledges that implementation of the CALFED Project could result in the loss of some habitats, and result in the loss or degradation of wetland or riparian communities in southern California as a result of increased urban and industrial growth.

The Bay-Delta Program is supportive of this ancillary SCAG policy.

The **Water Quality Chapter (WQC)** core recommendations and policy options relate to the two water quality goals: to restore and maintain the chemical, physical and biological integrity of the nation’s water; and, to achieve and maintain water quality objectives that are necessary to protect all beneficial uses of all waters. The core recommendations and policy options that are particularly applicable to CALFED Bay-Delta Program include the following:

- 11.1 *Streamline water quality regulatory implementation. Identify and eliminate overlaps with other regulatory programs to reduce economic impacts on local businesses.*

SCAG staff comments. The Draft EIS/EIR includes an extensive discussion of the Bay-Delta Water Quality Program. The Program will result in water quality improvements for SCAG areas served by SWP water including in an estimated 14% to 41% reduction in salinity for a net benefit of \$180 million. Numerous water

quality benefits will occur in the Delta area as a result of the water quality program measures. We encourage the CALFED Bay-Delta Program to specifically support the elimination of overlaps in water quality programs and their enforcement, with a specific reference to reducing economic impacts on local business. The Bay-Delta Program is generally consistent with this core RCPG policy.

11.02 Encourage “watershed management” programs and strategies, recognizing the primary role of local government in such efforts.

SCAG staff comments. The CALFED Bay-Delta program includes a wide range of watershed management programs and strategies, including: water storage and conveyance, ecosystem restoration, water quality improvement, water use efficiency, levee system integrity, water transfers, and coordinated watershed management. The coordinated watershed management approach focuses on: providing intergovernmental, interagency, and interwatershed coordination of restoration and management efforts including data collection, implementation and monitoring of results. The planning process takes advantage of local watershed management councils which involve various local stakeholders. The Draft EIS/EIR acknowledges the important role of water agencies in watershed management, but fails to emphasize the primary role of local governments, including cities, counties and subregional agencies (associations of governments) in developing watershed management programs. The discussion of watershed oversight in the Watershed Management Strategy Technical Appendix and at appropriate locations in the Draft EIS/EIR should emphasize the primary role of local government in the coordinated watershed management process. The Bay-Delta Program is partially consistent with this core RCPG policy.

11.03 Coordinate watershed management planning at the subregional level by (1) providing consistent regional data; (2) serving as a liaison between affected local, state, and federal watershed management agencies; and (3) ensuring that watershed planning is consistent with other planning objectives (e.g., transportation, air quality, water supply)

SCAG staff comments. The focus of the CALFED Bay-Delta Program is on both local and statewide coordinated watershed management. The Draft EIS/EIR's orientation toward alternative strategies and major programs that focus on large hydrologic regions fails to recognize the importance of coordinated planning at the subregional level. For example, within the SCAG region, there are currently 14 subregions (Arroyo Verdugo, City of Los Angeles, Coachella Valley Association of Governments, Imperial Valley Association of Governments, North Los Angeles County, Orange County Council of Governments, San Bernardino Associated Governments, San Gabriel Valley Council of Governments, South Bay Cities Association, Gateway Cities Council of Governments, Ventura Council of Governments, Western Riverside Council of Governments, Westside Cities and Las Virgenes Malibu Conejo Council). SCAG works with and relies on data and planning input from these subregions in our ongoing watershed management

planning activities. We encourage the CALFED Bay-Delta Program to recognize the important role of subregions in (1) providing consistent regional data; (2) serving as a liaison between affected local, state, and federal watershed management agencies; and (3) ensuring that watershed planning is consistent with other planning objectives (e.g., transportation, air quality, water supply). The Bay-Delta Program is partially consistent with this core RCPG policy.

11.04 Encourage opportunities for pollution reduction marketing and other market-incentive water quality programs as an alternative to strict command-and-control regulation.

SCAG staff comments. The CALFED Bay-Delta Program Technical Appendix on Water Quality Program includes a number of references to market-based incentive solutions which address urban and industrial runoff, wastewater and industrial discharge, agricultural drainage and runoff, water treatment, water management, and human health. Among the methods emphasized in the Draft Program are: incentives to reduce copper, zinc, and cadmium from urban and industrial runoff; source control incentives for chlorpyrifor and diazinon pesticide removal; source control incentives for nutrient loading reduction; financial and regulatory incentives for removal of oxygen depleting substances from wastewater and industrial discharges; voluntary landowner participation and compensated arrangements to reduce selenium and salinity loadings from agricultural runoff; incentives and assistance for implementation of agricultural land use practices and strategies to reduce sediment loadings; and, various incentives to reduce pathogens, turbidity and bromides in water treatment facilities. The Bay-Delta Program is consistent with this core RCPG policy.

11.05 Support regional efforts to identify and cooperatively plan for wetlands to facilitate both sustaining the amount and quality of wetlands in the region and expediting the process for obtaining wetlands permits.

SCAG staff comments. The Draft EIS/EIR acknowledges significant but mitigable impacts on wetland and riparian communities in the Delta Region, Sacramento River Region and southern California. Specifically, in southern California, the Draft EIS/EIR notes that increased urban and industrial growth that will be facilitated by an increase in the supply and reliability of water resulting from Bay-Delta programs, will result in loss or degradation of wetland and riparian communities. The Bay-Delta Program is consistent with this core RCPG policy.

11.06 Clean up the contamination in the region's major groundwater aquifers since its water supply is critical to the long-term economic and environmental health of the region. The financing of such clean-ups should leverage state and federal resources and minimize significant impacts on the local economy.

SCAG staff comments. The Draft EIS/EIR acknowledges significant groundwater benefits to Southern California. These benefits would accrue to Southern

California, largely by making more SWP water available which could supplement local groundwater supply in certain areas and facilitate the cleanup of groundwater basins by providing supplemental water for mixing. This water could partially offset groundwater overdrafts. The Bay-Delta Program is consistent with this core RCPG policy.

- 11.07 Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.*

SCAG staff comments. The Draft EIS/EIR acknowledges that the Water Use Efficiency Program will facilitate a number of water recycling actions, including: helping urban and agricultural water conservation councils facilitate water reclamation/recycling; expand state and federal conservation and recycling programs; help water suppliers comply with federal regulations on urban water management; and, provide regional planning assistance which can increase opportunities for use of recycled water. The Bay-Delta Program is consistent with this core RCPG policy.

- 11.08 Ensure wastewater treatment agency facility planning and facility development be consistent with population projections contained in the RCPG, while taking into account the need to build wastewater treatment facilities in cost-effective increments of capacity, the need to build well enough in advance to reliably meet unanticipated service and storm water demands, and the need to provide standby capacity for public safety and environmental protection objectives.*

SCAG staff comments. SCAG has worked with wastewater treatment facility providers in the southland to ensure that their facilities are developed in a manner consistent with population projections contained in the Regional Comprehensive Plan and Guide. In light of the important role that recycling of wastewater plays in the southern California's wastewater facility planning, it is important that the planning and sizing of treatment facilities be closely coordinated with regional growth forecasts. We ask that the Draft EIS/EIR for the Bay-Delta Project be revised to acknowledge the importance of coordination of water planning with regional plans and the use of regional growth forecasts in water and wastewater facility design. Based on the information in the Draft EIS/EIR, we are unable to determine that the Bay-Delta Program is consistent with this core RCPG policy.

The **Water Resources Chapter (WRC)** is a non-mandated chapter, and it is provided for information and advisory purposes. The recommendations contained in this chapter to fulfill the stated goals and objectives do not create new legal mandates for local governments or other regional organizations. SCAG signed a Memorandum of Understanding (MOU) with the Metropolitan Water District (MWD), the largest wholesale water agency in the region, to develop the WRC. The WRC also includes projections of water supply and demand for areas within the SCAG region, outside the boundaries of

MWD. Population and growth projections on which the WRC was based, were developed through the year 2010, and have not been updated to reflect recently adopted SCAG growth forecasts through the year 2020.

Projected Water Demand in the MWD Service Area in 2010 (Million Acre Feet)

County	2010
Los Angeles	1.93
Orange	0.73
Riverside	0.62
San Bernardino	0.30
Ventura	0.15
Within SCAG Region	3.73
San Diego	0.81
MWD Service Area	4.54

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Project utilizes Draft California Water Plan Update 1995 and 2020 forecasted South Coast region water demand for urban, agricultural and environmental water use under average and drought conditions. These forecasts are generally consistent with an extrapolation of the above MWD forecasts, which were based in part on SCAG-94 forecasts. We encourage the CALFED to utilize currently adopted SCAG and other council of government's growth forecasts for population, housing, and employment as inputs to subsequent runs of the urban water use forecasting model. The Bay-Delta Program is generally supportive of this ancillary RCPG policy.

Potential Water Supply for the MWD Service Area in 2010 (Million Acre Feet)

	Average Year Supply	Minimum Year Supply
Existing Supplies		
Local Production	1.05	1.05
Reclaimed Water	0.40	0.40
Los Angeles Aqueducts	0.37	0.12
Colorado River	0.62	0.62
State Water Project	1.56	0.21
Total	4.00	2.40
Potential Increases in Supplies		
Additional Colorado River	0.45	0.45
Additional SWP & Transfer	0.20	1.13
Reclaimed Water	0.27	0.27
Groundwater Recovery	0.10	0.10
Total	1.02	1.95
Total Supplies	5.02	4.35

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Program utilizes Draft California Water Plan Update 1995 and 2020 forecasted South Coast region water forecasts under average and drought conditions. The Draft California Water Plan Update identifies 1995 and 2020 estimated South Coast region water (surface water, groundwater, recycled and/or desalted) supplies under average and drought conditions. These estimates are generally consistent with an extrapolation of the above MWD estimates, which were based in part on local water agency plans and studies. The Bay-Delta Program is generally supportive of this ancillary RCPG policy.

Strategies to Balance Supply and Demand in MWD Service Area in 2010 (Million Acre Feet)

	Average Year Conditions	Minimum Supplies Condition
BMP's	0.56	0.56
Existing Conservation	0.21	0.21
Rationing		0.49
Total Demand Reduction	0.77	1.26

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Program utilizes Draft California Water Plan Update 1995 and 2020 forecasted potential gain in water supplies by application of the options most likely to be implemented in the South Coast region by 2020 under average and drought conditions. These estimates are generally consistent with an extrapolation of the above MWD estimates, which were based in part on local water agency plans and studies. The Draft Plan estimates are more optimistic than the older MWD figures, which is indicative of the identification of additional options to meet shortfalls under average and drought conditions. Of particular significance is the Draft Plan's 2020 remaining shortfall under drought conditions of 25 thousand acre feet . This number represents a reduction from the 44 thousand acre feet shortfall in the 2010 WMD estimate. It would signify less of a need for rationing under drought conditions, if all of the identified options are successfully implemented. The Bay-Delta Program is generally supportive of this ancillary RCPG policy.

Programs to Meet Future Water Demands

1. State Water Project Programs

- South Delta Improvements
- Kern Water Bank
- Los Banos Grande Reservoir

SCAG staff comments. The Draft EIS/EIR acknowledges the above three SWP programs, in addition to the supply/conveyance programs that makeup the Bay-Delta Program, will result in increased water to meet southland needs. State Water Project users south of Kern County would receive increased SWP water supply of 2,468 TAF in 2020. The Bay-Delta Program is generally supportive of this ancillary RCPG list of programs, in addition to providing the projects that flow from the program itself.

2. Water Transfer and Exchange Programs

- Arvin-Edison/Metropolitan Water Storage and Exchange Program
- Semitropic/Metropolitan Water Storage and Exchange Program
- Dudley Ridge/Metropolitan Water Transfer Program

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Program includes a comprehensive policy framework for water transfer rules, baseline data collection, public disclosure, and analysis and monitoring of water transfers, both short-and long term. It acknowledges that the specific water transfers, however, will be dependent on locally developed agreements and assurances. The Bay-Delta Program is generally supportive of this ancillary RCPG list of programs, in addition to providing the projects that flow from the program itself.

3. Local Management Strategies

- Water Reclamation
- Groundwater Management Programs
- Groundwater Recovery
- Surface Water Management
- Desalination
- Gray Water

SCAG staff comments. The Draft EIS/EIR addresses water reclamation, groundwater management, groundwater recovery and surface water management programs and projects that would be facilitated by the Bay-Delta Program. The Bay-Delta Program is generally supportive of this ancillary RCPG list of strategies, in addition to providing the projects that flow from these strategies.

4. Management Response During Drought or Other Emergencies

SCAG staff comments. The Draft EIS/EIR addresses drought management under the Bay-Delta Program's water use efficiency program. This program identifies a total of 4,080,000 acre-feet annually of new water savings statewide that accrue from urban conservation, agricultural conservation and urban recycling strategies. The Bay-Delta Program is generally supportive of this ancillary RCPG list of strategies, in addition to providing the projects that flow from these strategies.

Potential Water Issues

1. Growth Management

Issue: What is the relationship between growth management and water supply?

Planning Strategy: MWD commitment to continuing to accommodate population growth and to remain consistent with regional growth management plans.

SCAG staff comments. See previous staff comments on SCAG's RCPG policies 3.01 and 11.08 and the discussion under "Projected Water Demand in the MWD Service Area in 2010". The Bay-Delta Program is partially supportive of this ancillary RCPG planning strategy.

2. Water Transfer Policies

Issue: What role will water transfers (also known as water marketing) take in the future to respond to the water needs of urban, agricultural and environmental users- statewide and in Southern California?

Planning Strategy: MWD commitment to develop a full range of voluntary transfers with willing partners, that protect, and where feasible, enhance environmental resources.

SCAG staff comments. See previous staff comments on SCAG's RCPG policies 3.07, 3.19 and 11.04 and the Water Resource Chapter discussion on "Water Transfer and Exchange Programs". The Bay-Delta Program is supportive of this ancillary RCPG planning strategy.

3. Water Supply Development and Environmental Regulations

Issue: What strategies can water agencies take for future development of water supplies and facilities in view of increasingly stringent environmental regulations?

Planning Strategy: MWD integrates environmental values in its decision making procedure for water resources and facilities development. Environmental needs for available water supply and protection of endangered species and their habitats offer a significant challenge to MWD and its member agencies to develop effective physical, institutional, and management solutions that lead to "win-win-win" outcomes for the environment, agricultural and urban users.

SCAG staff comments. The Draft EIS/EIR incorporates a comprehensive series of strategies that address ecosystem restoration, which address restoration of ecosystem functions and the recovery of Bay-Delta species. Two extensive technical appendices detail the Ecosystem Restoration Program plan. The Draft

EIS/EIR discusses environmental water uses from a statewide perspective, and acknowledges that although southern California's environmental water uses are not as great as those in the Bay-Delta, all Californians bear responsibility for helping to maintain and enhance Bay-Delta ecosystem resources. Given southern California's extensive use of State Water Project water, local government has a responsibility to continue to support protection and enhancement of environmental water uses in both the north and south. The Bay-Delta Program is generally supportive of this ancillary RCPG planning strategy.

4. Desalination

Issue: How could desalination contribute to future water supply?

Planning Strategy: MWD is currently supporting brackish groundwater desalinization through its Groundwater Recovery Program and actively supporting and participating in research efforts for ocean desalination.

SCAG staff comments. The Draft EIS/EIR acknowledges that the Bay-Delta Program will result in a reduction in the salinity of SWP waters available to Southern California. The reduction will result in a 14% to 41% reduction in salinity for a net benefit of \$180 million annually in Southern California. The Bay-Delta Program is generally supportive of this ancillary RCPG planning strategy.

5. Conservation of Storm Runoff

Issue: How can conservation of storm runoff enhance the region's water supply?

Planning Strategy: It is imperative to maintain existing recharge basins in the San Gabriel and Santa Ana river systems at optimum percolation rates with debris management programs and prevent potential contamination of groundwater from urban runoff into recharge areas. Specific projects which would afford an increase in storm runoff capture, like the Long Beach Harbor/Los Angeles River project and maximizing use of existing dams and reservoirs, could increase groundwater recharge.

SCAG staff comments. The Draft EIS/EIR includes project designs that range from no new storage to over 6.0 MAF of storage. New storage facilities will result in the capture of storm water and melt water runoff, depending on location. The Bay-Delta Program is generally supportive of this ancillary RCPG planning strategy.

6. Potential for Increases in the Use of Reclaimed Water

Issue: What is the potential of increasing the use of reclaimed water?

Planning Strategy: Reclaimed water is a reliable resource which can be used to augment existing supplies and among the efforts that should be pursued include

seeking political support, understanding benefit cost analysis, overcoming funding issues, resolving regulatory issues and getting greater public acceptance.

SCAG staff comments. See previous staff comments on SCAG's RCPG policies 11.04 and 11.07 and the Water Resource Chapter discussions on "Local Management Strategies" and "Management Response During Drought and Other Emergencies". The Bay-Delta Program is generally supportive of this ancillary RCPG planning strategy.

Water Supply in the Non-MWD Area

1. Reliability of Imported Sources

SCAG recognizes that a number of issues need to be resolved before water transfers can be successful and recommends initiating a dialog among local governments, water districts, and the State of California on issues of land use, water resources and water marketing.

SCAG staff comments. See previous staff comments on SCAG's RCPG policies 3.07, 3.19 and 11.04 and the Water Resource Chapter discussions on "Water Transfer and Exchange Programs" and "Water Transfer Policies". The Draft EIS/EIR acknowledges that the Bay-Delta Program will significantly increase the reliability of imported SWP water for those non- MWM areas of the SCAG region which presently receive SWP water. The Bay-Delta Program is supportive of this ancillary RCPG planning issues resolution.

2. Groundwater Quality

SCAG recognizes a concern by many water agencies outside of MWD of groundwater contamination and overdraft conditions in some areas.

SCAG staff comments. See previous staff comments on SCAG's RCPG policies 3.20, 11.01 and 11.06. The Bay-Delta Program is supportive of this ancillary RCPG planning issues resolution.

3. Drinking Water Quality Standards

SCAG recognizes a concern by several water providers of the increasing costs of meeting treatment requirements under Federal and State drinking water laws.

SCAG staff comments. The Draft EIS/EIR includes a discussion on water quality problems and costs. Configurations which result in reduced salinity levels in SWP water will help non-MWH water providers in meeting State and Federal drinking water standards. The Bay-Delta Program is generally supportive of this ancillary RCPG planning issues resolution.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS is a *Joint Powers Agency* established under California Government Code Section 6502 et seq. Under federal and state law, the Association is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). Among its other mandated roles and responsibilities, the Association is:

! Designated by the federal government as the Region's **Metropolitan Planning Organization** and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. '134(g)-(h), 49 U.S.C. '1607(f)-(g) et seq., 23 C.F.R. '450, and 49 C.F.R. '613. The Association is also the designated **Regional Transportation Planning Agency**, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080.

! Responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the **South Coast Air Quality Management Plan**, pursuant to California Health and Safety Code Section 40460(b)-(c). The Association is also designated under 42 U.S.C. '7504(a) as a **Co-Lead Agency** for air quality planning for the Central Coast and Southeast Desert Air Basin District.

! Responsible under the Federal Clean Air Act for determining **Conformity** of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. '7506.

! Responsible, pursuant to California Government Code Section 65089.2, for **reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans** required by Section 65080 of the Government Code. The Association must also evaluate the consistency and compatibility of such programs within the region.

! The authorized regional agency for **Inter-Governmental Review** of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

! Responsible for reviewing, pursuant to Sections 15125(b) and 15206 of the CEQA Guidelines, **Environmental Impact Reports** of projects of regional significance for consistency with regional plans.

! The authorized **Areawide Waste Treatment Management Planning Agency**, pursuant to 33 U.S.C. '1288(a)(2) (Section 208 of the Federal Water Pollution Control Act)

! Responsible for preparation of the **Regional Housing Needs Assessment**, pursuant to California Government Code Section 65584(a).

! Responsible (along with the San Diego Association of Governments and the Santa Barbara County/Cities Area Planning Council) for preparing the **Southern California Hazardous Waste Management Plan** pursuant to California Health and Safety Code Section 25135.3.

SEP 28 1999 1397

PACIFIC FISHERY MANAGEMENT COUNCIL

2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Telephone: (503) 326-6352

CHAIRMAN
Jerry Mallet

EXECUTIVE DIRECTOR
Lawrence D. Six

September 23, 1999

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Comments on Draft Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR)

To Whom It May Concern:

The Pacific Fishery Management Council (Council) was created by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 1976 with the primary role of developing, monitoring, and revising management plans for fisheries conducted within federal waters off Washington, Oregon, and California. Subsequent congressional amendments in 1986, 1990 and in 1996 added emphasis to the Council's role in fishery habitat protection. Amendments in 1996 directed the National Marine Fisheries Service, as well as the regional fishery management councils, to make recommendations regarding federal or state agency activities that may affect the "Essential Fish Habitat" (EFH) of a fishery under its authority. The Magnuson-Stevens Act's amendments also require that threats to EFH be identified and conservation and enhancement measures be described that minimize those adverse impacts. Dam operations, water diversions, gravel removal, pollution, and many other activities taking place in the Sacramento - San Joaquin River System as well as the Delta Estuary (Bay-Delta) adversely affect Council-managed fish species including, but not limited to, chinook and coho salmon.

Three Council-managed fish stocks -- Sacramento winter-run chinook salmon (*endangered*), central valley spring-run stocks (*threatened*), and central California coho salmon (*threatened*) are listed under the Endangered Species Act (ESA). Ocean fisheries off California are highly constrained to reduce impacts to these stocks. Other species of concern that will be affected by CALFED include ESA listed splittail, Delta smelt, and steelhead (central valley and California coastal evolutionary significant units). Other Council-managed species affected by CALFED operations include groundfish, coastal pelagic species, and non-listed salmon species. While progress has been made in fish habitat protection in the Bay-Delta operations as well as the central valley through the Central Valley Project Improvement Act, there is still more work to do.

Our specific concerns regarding the draft environmental impact statement's (DEIS's) preferred alternative include:

WATER QUANTITY AND FLOW PATTERNS: Recovery of these species and stocks will depend on guaranteed water released at the appropriate times in the Bay and Delta for the purpose of restoring fish populations. Preference should be given to options that reduce the demand for additional water diversions.

Existing diversions and future potential physical change, whether in channel or off stream, must be constrained and operated with the goal of restoring hydrodynamic function and ecosystem health in the Delta, San Joaquin, and Sacramento River Basins.

The CALFED objective should be to remove hydro-dynamic function as a limiting factor to the recovery of salmon.

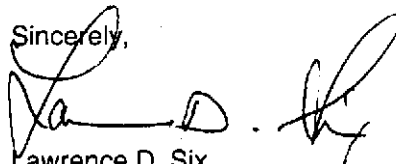
WATER QUALITY: Targets should be based on indicators of ecological health and aggressively reduce the amount of pesticides and other toxins, and improve water quality.

HABITAT RESTORATION: Targets should be performance driven and aggressively restore fish habitats, including floodplains, spawning grounds, and migratory corridors.

DAMS: We are concerned about the DEIS's surface storage language in its Watershed Management Strategy (i.e., dam construction). Dams have numerous adverse impacts on fish populations and their habitats. Dams that have outlived their usefulness should be decommissioned, and new dams, on anadromous and migratory fish waters, should be avoided. We encourage you to seek alternatives to avoid dam construction including water conservation and water-use efficiency. Groundwater storage may also provide a far more cost effective and environmentally compatible way to store water for agricultural, urban, and environmental use.

ANALYSIS: Sound planning and ecological restoration will depend on sound analysis. We are concerned the preferred alternative rests on a flawed analysis that overstates California's projected water demand.

The Bay-Delta is an invaluable ecological component of the Sacramento-San Joaquin River System providing an important contribution to commercial and recreational fisheries. We encourage you to institute measures which will provide the greatest benefit to the Bay-Delta ecosystem and its numerous fishery resources.

Sincerely,

Lawrence D. Six
Executive Director

LDS:rdh

- c: Mr. Zeke Grader, Pacific Coast Federation of Fisherman's Association
Mr. Robert Hight, California Department of Fish and Game
Mr. Jim Lecky, National Marine Fisheries Service, Southwest Region

SEP 28 1999 1396

Memorandum

To: **BILL COSTA**
Department of Transportation Planning
Transportation Planning Program
P O Box 942874 – MS 32
Sacramento, CA 94274-0001

Date: September 20, 1999
File: Gen-Vars-Vars
SCH # 96032083
SOL000012

From: **DEPARTMENT OF TRANSPORTATION – District 4**
Office of Transportation Planning B

Subject: **USCE/USCG Public Notice (CALFED Bay-Delta Program)**

District 4 has reviewed the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and has the following comments regarding this project:

The project scope document is so broad and non-specific that a review to determine impacts to state roadways was not possible. More information needs to be provided on any potential flooding that might impact state facilities.

Section 5.7 of the EIS/EIR, "Transportation" states, "The Preferred Program Alternative could involve relocating highways, constructing new bridges and replacing or relocating local roads". Detailed information should be provided on which highways, bridges and local roads will be impacted, what the impacts will be, and the mitigation measures proposed to limit these impacts. The following Bay Area (District 4) roadways should be addressed in the analysis: I-80, I-280, I-880, I-680, I-580, SR92, SR84, and U.S. 101.

Should you require additional information or have any questions regarding this letter, please call Bonnit Braxton of my staff at (510) 622-1645.



JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA Branch

1395

SEP 28 1999

RECLAMATION DISTRICT NO. 756

BOULDIN ISLAND

3697 Mt. Diablo Boulevard, Suite 100

Lafayette, CA 94549

Telephone (925) 283-4216

September 22, 1999

CALFED Bay-Delta Program

1416 Ninth Street, Suite 1148

Sacramento, CA 95814

Ladies/Gentlemen:

Re: Comments on CALFED Draft EIR/EIS

Reclamation District No. 2026 is pleased to submit some brief comments regarding the product of your very significant effort to resolve the "Delta dilemma" and so much more. We all need to remember that CALFED is a process, not a project. A basic cornerstone of the process involves adaptive management which will allow us to learn from our successes and failures and, at the same time, allow us to proceed before a single, final answer is agreed upon. We all need to continue to contribute to the process in order to ensure its success. It is in that spirit that the District offers some thoughts regarding the appropriateness of the early implementation of some levee integrity program expenditures.

The levee integrity element of the CALFED program appears to be relatively noncontroversial in nature and has a wide array of benefits including water supply reliability, water quality and ecosystem protection.

The Department of Water Resources, working closely with local reclamation districts, has very successfully administered a levee maintenance and restoration program for over a decade. The program, however, is in jeopardy because of a combination of under and intermittent funding. Reclamation districts simply cannot adequately plan maintenance and restoration work unless the funds are known to be available and at reasonable levels. We strongly urge that a component of early implementation funding be directed to the Department of Water Resources levee subvention program.

We strongly suggest that you reconsider any CALFED option that includes a newly constructed setback levee along the eastern bank of the Mokelumne River on Bouldin Island from a point a little north of the Highway 12 Bridge across the Mokelumne River to a point just upstream of the confluence of the Mokelumne and San Joaquin Rivers. A combination of peat soils and soft clays extend in the range of 65 feet below the existing ground surface. The construction of a new inboard levee which would be subjected to full tidal influence would be very expensive. Alternatively, you may wish to enlarge the cross-section of that portion of the river by additional dredging. There may

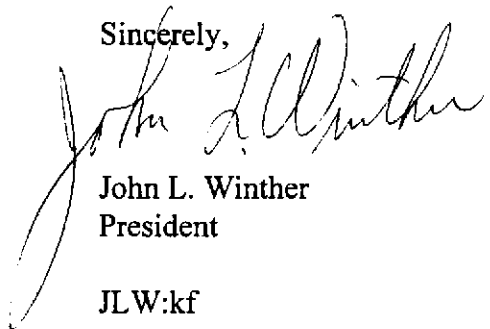
1395

CALFED Bay-Delta Program
September 22, 1999
Page 2

be an opportunity to deposit dredge material onto Bouldin Island or perhaps onto Andrus Island where conflicts do not occur with existing infrastructure. We would be happy to provide you with the information we have with regard to soil conditions on Bouldin Island.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "John L. Winther". The signature is written in dark ink and is positioned to the left of the printed name and title.

John L. Winther
President

JLW:kf

13914

SEP 28 1999



CLARK BROS. FARMING

19772 South Elgin Avenue
Dos Palos, California 93620
(209) 392-6144

September 22, 1999

CALFED Bay-Delta Program
1416 Ninth Street, #1155
Sacramento, CA 95814

To Whom It May Concern:

After reading some material, and attending many different hearings regarding this Bay-Delta Program, I felt it was in my best interest to submit my opinions on the matter. I am a second-generation partner in a family farm and land leveling business. We own and farm ground in the Westlands Water District, as well as in a private district that is only able to use flood water in heavy precipitation years. We are also able to see a larger view of the water issues from our land leveling business.

I have many business and personal concerns with the plan that has been submitted. Approximately one year ago, I had the pleasure of meeting with Senator Jim Costa, and one of the issues we discussed was the CALFED program. At that time, there were three proposed options, 1, 2, and 3. Senator Costa, other Agriculturists in the room and myself felt that Plan 3 was the best for all the interests of California. It provided a way to clean out the Delta on low precipitation years, and retain excess water on heavy precipitation years. Without both of these aspects, all parties will loose in the end. The issues of managing water well, do not only benefit Agriculture, rather they are essential to everything. Issues such as population growth, increasing the environmental restoration projects in the state, as well as providing a safe food supply for the world will require a lot more water. Plan 3 had us headed in the right direction. I now understand that Plan 3 is no longer an option. Plans 1 and 2 offer no storage, and poor plans for cleaning out the Delta. If a water storage plan is not created, the ground water levels everywhere will be severely depleted.

In regards to water consumption by Agriculture. Due to the broad picture I am allowed to see, I become very frustrated. Water Districts as well as municipalities are forced to over consume their water needs, thereby guaranteeing a moderate supply the following year. A Water District is given an allocation by the Bureau of Reclamation, that allocation must be used by the end of the year, or there are penalties, as well as complete loss of that water. There is not a system of storage or water banking that could be carried over into the following year. As a farmer, I end up paying these costs. For example, I ended up with excess water at the end of 1998. That water was taken away from me, not able to be used in the 1999 season, and I had to pay a total of \$40,000.00 for not being able to use the water in the proper season. I do not feel this promotes conservation. Water banking, carryover or credits need to be available and useable.

Finally, I would like to touch on the issue of quality of life in an Agriculture area. It is my understanding that you were not able to put value on this factor in your formula. There is a large value on this very issue. I went high school in Monterey, with girls from all over the world. There was never a weekend that someone did not want to go to my house. The majority of these girls had never been out of Los Angeles, or out of their high rise home in

Hong Kong. It was a complete cultural experience for them to come to the farm and spend the weekend riding horses, tramping cotton, learning to drive a stick shift in open spaces and so many other experiences. As I look back now, I wonder how they could have ever thought not being able to go out to meals, the movies or the mall could possibly have been fun, but the interesting thing is that they still talk about the experience. Many of my adult friends that live in Fresno, (not far from Agriculture) ask all the time to come work for the weekend on the farm, or at least come spend some time on the farm. I do not know how you value things like this in a number, but I definitely do not want to have less of an ability to share this experience with friends.

California's water issues must be solved soon and with much consideration. I hope the CALFED Program will reconsider their proposal. They need to ensure storage as well as a clean Delta. Hopefully we will get there before too much damage is done.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah C. Woolf', written in a cursive style.

Sarah C. Woolf
Manager Clark Bros. Farming



**COUNTY OF LAKE
PUBLIC WORKS DEPARTMENT**

Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone (707) 263-2341 or 994-4284
FAX (707) 263-7748

SEP 28 1999 1393

G. R. SHAUL
Public Works Director

September 23, 1999

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

**SUBJECT: Programmatic Environmental Impact Statement/
Environmental Impact Report**

We have reviewed the subject document and offer the following comments:

- The EIS/EIR is not sufficient, as it does not adequately address the impacts of the Watershed Program. General watershed health has a clear beneficial impact on all four primary objectives of CALFED. The discussions are brief and appear to be written without a clear concept of watershed management, see following comment. Without the impacts of watershed management being properly addressed, CALFED funding and support of the Watershed Program will continue to be inadequate.
- The EIS/EIR does not adequately address the impacts of the Watershed Program on Water Supply and Water Management (p. 5.1-36). The second paragraph does not address the changes in the timing of flow release from a well-managed watershed. Proper forest and range management will result in lower peak runoff rates and increased base flow rates during the growing season. This could result in an increase in usable runoff from the watershed. As worded, this paragraph could be interpreted as an advocacy of clear cutting without reforestation. The second paragraph under Watershed Program needs to be rewritten.
- The EIS/EIR has greatly improved the discussion of the impacts of the Water Transfer Program on groundwater resources over the previous March 1999 Draft. Several locations in the document assume ground subsidence *will* occur. Since most ground subsidence is irreversible, it should not be allowed to continue to occur. The CMARP and adaptive management process must be react quickly should subsidence occur to prevent further subsidence.
- The EIS/EIR fails to adequately address the impacts of the Program on recreational use of reservoirs. Reduction in available agricultural and M&I water from CVP and SWP (Project) reservoirs may cause an increase in water use from non-Project reservoirs, resulting in lower water levels in the non-Project reservoirs, a third-party impact. The impacts of reoperation of Project on non-Project reservoirs should be addressed.

CALFED Bay-Delta Program
Programmatic EIS/EIR
September 23, 1999
Page 2

If you have any questions, please call me at (707)263-2341.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas R. Smythe". The signature is fluid and cursive, with the first name "Thomas" and last name "Smythe" clearly distinguishable.

Thomas R. Smythe
Water Resources Engineer

TRS:trs

1392
SEP 28 1999

September 20, 1999

CALFED
Bay Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Comments of Quiet Hills Ranch Co.
to the June 1999 CalFed Bay-Delta Second
Draft Programmatic EIS/EIR (hereinafter "EIS/EIR")

Dear Administrators:

Quiet Hills Ranch Co. is a California Corporation owning approximately 11,070 acres of land in Tehama County abutting the proposed Thomes-Newville Off-Site Storage Facility. In addition, Quiet Hills Ranch Co. leases ground in the Orland Unit Water Users' Association (hereinafter, OUWUA) District.

Quiet Hills Ranch Co. (QHRC) submits its comments on the foregoing described document and appendices.

FAILURE TO ADDRESS COMMENTS TO PREVIOUS EIS/EIR

CalFed has apparently failed to address the comments of QHRC contained in the previous Programmatic EIS/EIR issued by the CalFed Bay-Delta Program in March 1998. QHRC believes that CalFed is legally required to address the comments contained in its previous submission, but CalFed has not done so.

QHRC specifically requests that a response in writing be submitted by CalFed to QHRC with respect to both the previous EIS/EIR and the EIS/EIR addressed herein.

COMMENTS TO SPECIFIC PRINCIPLES

A. Beneficiary Pay Principle The 1999 Revised Phase II Report (142-148) sets forth the "beneficiary pays principle". This concept is fraught with problems.

1. The North State is relatively lightly populated with a primary agricultural economic base. Imposing a Bay-Delta rehabilitation cost on the people of this area, on the theoretical grounds that these people have caused the degradation, is not going to work in light of the huge cost of the Proposed Program.

2. Imposing a Program benefit cost on identified users is equally impractical and unachievable. Imposing cost related to flood control merely on the people affected directly, rather than upon the entire State citizenry will render the financial cost related thereto impossible to be compensated. Requiring ag users' to pay and urban users' can only result in the elimination of agriculture in the North State because an urban users' water

rate will not permit an agriculture user to profitably farm land. The argument that those who have "caused" the Delta problems should bare the entire cost of improvements would, in itself, destroy the entire economy of the North State. Under the same analysis, only those benefited by levee enhancement should bear the cost of that aspect of the program. One has to question how one allocates the cost of positive environmental enhancement. Who is the designated party who benefits therefrom? Are there several parties, and in what ratio of benefit do they share so that costs can be allocated?

3. With respect to off-site storage, numerous issues arise, particularly if there is conjunctive use. Under present California law, the surface landowner is entitled to the ground water underlying the owner's property, so long as the water is not in an underground stream or river. Once conjunctive use is instituted, the initial ground water moved out, replaced with water imbued with a higher degree of Public Trust implications (i.e., Sacramento River water), it will be difficult for the surface owner to establish the nature of continuing rights in the new ground water. This issue must be clearly addressed because of its profound impact on every property owner in the North State. Who would pay for the loss of that right under the beneficiary pay principle?

4. For water districts in the position of OUWUA, off-site storage water might be substituted for present water rights such as pre-1914 adjudicated water rights. If such substitution occurred, pre-1914 rights to specified annual yield and to priority of water use would be at risk. This risk is not merely theoretical. A highly placed official of the Water Resources Control Board, subsequent to release of this EIR/EIS, stated that "all water rights were on the table, including pre-1914 and even Pueblo rights". The legally determined and vested rights of water districts similarly situated to OUWUA must be protected in the program. Moreover, if water is substituted from a new off-site storage facility, the beneficiary pay principle would suggest that the water district pay at either the urban user price or at the cost of construction price, which would again force that entire agriculture community out of business.

5. In short, the beneficiary pay principle, is misleading, too broad, defective in application, and fails to meet the minimum requirement of an EIR/EIS in that the extent, scope and depth of the impacts are nowhere addressed, either program or by definition. In addition, the "beneficiary pays principle" flies in the face of numerous other statements in the EIS/EIR which provide for local control of water sheds and water management. The "local control" principle and the "no redirected impacts" principle will be sacrificed to the overriding "beneficiary pay principle" unless these matters are clearly, completely and comprehensively addressed. At a minimum, a conflict between these principles need to be thoroughly addressed.

B. Local Control Versus State Comprehensive Control. Section 7.2 of the Revised Phase II Report, page 7.2-13, provides for "locally cost effective" standards. The Water Use Efficiency Program Plan contains a "no injury rule" at page 3-9. In the "Solution Principles" there are to be "no significant redirected impacts, in the entirety of the program, within the Bay-Delta" or "in other regions of California". The water shed program plan mandates that it be "socially and politically in concert with local needs and desires", including development of local capacity for improved water shed management in diverse areas.

However, profound conflicts exist when one looks realistically at the program and other principles.

It is unclear how programs such as Environmental Water Accounts (EWA), a Permit system for the transfer of water, or funding of this expensive project can be implemented any way other than on a regional or State wide basis. The "adaptive management plan" itself is susceptible only of regional or statewide control. The overall Program is pervasive, comprehensive and control oriented. With respect to the Revised Phase II Report, the following should be noted:

1. At page 1-6 the Ecosystem Quality Element can easily lead to a taking of existing water rights or a change in the prioritization in the use of water;
2. At page 1-7 the goal is to "improve export water supplies to meet beneficial use needs, and to improve adequacy of water to meet Delta outflow needs, and to provide predictability of water supply. None of these goals can be achieved within the concept of local control.
3. The potential high dollar cost of construction, implementation and maintenance cannot be carried by the local, basically agriculture, economies.
4. The measurable objectives to insure water management can only be implement from State level downward to local units.
5. The concept of conjunctive use itself contemplates statewide control without any meaningful local participation.
6. Page 3-4, contains the following language: " long-term productivity outweighs short-term impacts". This theme is further defined to contemplate changes in land use, changes in application of agricultural resources, and changes in cultural resources. Simply put, this means that profound dislocation of local economies and water use are inconsequential in terms of the true goals of the program.
7. At page 3.8 the water use efficiency and water transfer programs are ddressed. Both reference "more efficient allocation of existing supplies" with a "potential beneficial redistribution of water resources". This can only mean submission of local interest to a statewide control system.
8. Commencing at page 5.1 the significant critera for "primary water supply reliability" is set forth, including increased access to economically efficient water supplies for all beneficial uses, and increase in operational flexibility, as well as improvement in water quality. Again, only a comprehensive, pervasive statewide system can achieve these goals.

C. The 8 Integrated Program Elements. The 8 integrated and identified program elements are as follows:

1. Ecosystem Restoration;
2. Levee System Integrity;
3. Water Quality;
4. Water Transfers;
5. Water Use Efficiency;
6. Water Shed;
7. Storage;
8. Delta Conveyance

One is hard pressed to see the benefits accruing to the North State under this program. Rather, the Elements provide for a taking and/or reallocation/redistribution of water use for the benefit of others outside of North State, all with burdens to the North State and without positive offsetting benefits.

The Ecosystem in the North State is far superior to anything existing elsewhere in the State. The agricultural basis of the North State economy provides irreplaceable facilities to the entire ecosystem, as that system presently exists.

The Ag nature of the North State limits the increase storm flows occurring in developed areas, thereby minimizing flooding risks and helping to protect the levee system down stream.

Water quality in the North State, particularly in ground water, is presently the best in the State.

Water transfers, without compensation to North State parties, and with the regulatory and cost burdens related to transfers, are not of any benefit to the North State.

The DWR recognized that the North State has an amazingly high water use efficiency. Any enhanced benefits in this program would be minimal.

The water sheds are positively and profitably used at the present time.

Storage would merely substitute water with questionable water rights and priority for what are clear and present rights.

The Delta conveyance is clearly for the benefit of Central and Southern California and is immaterial to the North State,

So it can easily be seen that this is a program rife with burdens to the North State with no clear benefits as the Program is promulgated. These issues must be clearly and fully addressed prior to the Record of Decision (ROD) being published.

D. Adaptive Management and Governance. This entire area is inadequately addressed, fails to raise fundamental issues, and certainly does not provide any meaningful answers.

1. The standards for adaptive management are not set forth.
2. The objective determinant for application of those standards is not identified.
3. Accountability to establish and meet the standards is not addressed.
4. The rules and regulation to determine accountability are not set forth.
5. The effectiveness and durability of the agreement will be determined by establishment of objective standards, review by an impartial entity with the power to impose meaningful penalties to secure compliance with standards. None of these concepts are addressed anywhere in the document.

6. The various State and Federal governmental agencies involved in the CalFed process have separate and independent jurisdictions with legislatively imposed duties which cannot be abdicated without further enabling legislation. The "bricks and mortar" construction elements should not be commenced until the fundamental governance structure is in place and operative.

7. A glaring and critical defect results from the fact that oversight functions and implementation functions rest in the same group. It appears that the source of any appeal would be to the initial decision maker. No matter who is handling the appeal, there does not appear to be standards upon which the appeal determinant can base a decision. In

addition, the situation suggests that a small control group would become the pre-dominant and dominating interest in the entire CalFed program.

8. A question exists as to which persons or entities would evaluate the process of interim management. Again, there does not appear to be any independent process by which interim management would be evaluated. This failure of meaningful evaluation could itself result in the pre-dominant and dominating interest controlling the entire process

9. Although the guiding principle of "adaptive management" is clearly set forth, the "nuts and bolts" of such adaptive management are entirely missing. How is adaptive management to take place? Who would be in charge of the adaptive management process? What standards are to be applied in the adaptive management process?

E. The Public is Accepting Assumptions Sub Silencio. The EIS/EIR is further defective in that it merely identifies broad programmatic actions. However, if the broad programmatic model is approved, in reality the public is approving the assumptions that underly the model. Since those assumptions are not set forth in the EIS/EIR, the public is being asked to approve a model which will govern water use and distribution throughout the entire State for 20 or more years, based upon the mere broad programmatic statements. This is misleading. This is wrong. This fails to meet the legal requirements for EIS/EIR.

F. Procedural and Due Process Defects Exist. The period of time within which the public must review the EIS/EIR (with appendices) is needlessly constrictive in terms of the time necessary to review, digest, and make meaningful comments. This short "window of review" is particularly unsettling and defective in light of the fact that all review of public comments to the prior EIS/EIR are nowhere near completion. Innumerable citizens and groups, with definite but varying points of view, have been unable to secure the EIS/EIR documents at all. They cannot even begin a review. In fact, people who are members of committee, such as the Watershed Management Committee of BDAC, have not been receiving these documents on a timely basis so that meaningful review and comment can be undertaken.

Lack of meaningful review by the public should itself subject these documents to legal challenge. The only means to cure this problem is to provide an extension of time for public comment.

G. The Documents are Subject to Substantive Challenge The purpose of an EIS/EIR is, among other things, to not only set forth the program goals and criteria (as these documents apply set forth), but also and more importantly to set forth the impacts of the various programs, identify alternatives, and to set forth the means to avoid or mitigate those negative impacts.

Except in the most general and conclusionary language, the impacts are not identified, and the means of avoidance or mitigation do not appear.

It appears that the EIS/EIR documents are couched in broad, general language in an attempt to:

1. Avoid meaningful and substantive statements while appearing to address issues;

2. Pass minimum judicial review;
3. Provide "pablum" statements to encourage a mass acceptance;
4. Avoid statement and discussion of assumptions underlying the generalized program.

This will not pass judicial muster.

PRIORITIZATION OF PROGRAM ELEMENTS IS NOT ADDRESSED IN A MEANINGFUL MANNER

At page 2-14 of the Revised Phase II Report, the language provides that storage would be developed and constructed. Each of the four program alternatives include assessment of storage up to 6 million acre feet of water [page 2-1].

At page 3-8, other programs such as water use efficiency and water transfer are intended to provide more efficient allocation of existing supplies, including redistribution of water resources. Such redistribution of water resources would include "the short term adverse impacts" of changes in land use, changes in Ag resources, changes in cultural resources [page 3-4]. Again, at page 3-15, conversion of farm land may result in adverse economic effects, including job losses and reductions in the water supply [pages 3-15, 3-16].

Moreover, the EIS/EIR identifies negative impacts on animals, wildlife, cultural resources and other important elements to our society should off-site storage be built.

Prior to the construction of off-site storage facilities, a clear program of priorities should be established.

It makes no sense to build off-site storage facilities if the water to be diverted and then contained therein cannot be profitably used by transfer through a Delta conveyance. In other words, the Delta conveyance for the additional water should be constructed prior to the construction of off-site storage facilities which would augment the water passing through said Delta conveyance.

To build off-site storage facilities with its concomitant negative impacts would be putting the cart before the horse. It would result in negative impacts without substantive positive benefits. Those negative impacts would be spread over the entire spectrum of human and animal activity.

Construction of the Thames-Newville off-site storage facility would be particularly onerous for people and animals alike. The deer population in California has been declining for a number of years. The Thames-Newville Reservoir would be built directly over the deer trails presently in existence. Worse still, construction of the Tehann Dam would cut off in its entirety the winter ground from the summer ground of the deer, resulting in a substantial but presently indeterminable loss of deer population. It is not just the ground surface taken for the reservoir itself, but the interruption, a la the Alaskan pipeline, of the transit ability of such animals (at least the Alaskan pipeline was elevated so that migration could take place, to some extent, under the pipeline, which is not the case here).

Consequently, the Delta Conveyance system should be approved and constructed prior to any consideration being given to the construction of off-site storage facilities north of the Delta. If conveyance is available, then these profound impacts can then be

addressed. If the conveyance is not constructed for any reason, then these profound impacts can be entirely avoided by avoiding construction of the off-site facilities.

THE PROBABLE NEGATIVE IMPACTS ON THE OUWUA
SHOULD BE IDENTIFIED AND SOLUTIONS PROPOSED
TO AVOID OR MITIGATE THOSE IMPACTS

The OUWUA has exposure to risks unique and extraordinary when compared to any other potential impacts in the entire CalFed Program. Those probable or possible impacts include:

1. Loss of, or reallocation of, pre-1914 water rights. Those water rights can be impacted in any number of ways, including diversion of water by tunnelling into the proposed Sites Reservoir; diversion of Stony Creek water high in the water shed to recharge Sacramento river basin ground water; loss of yield or priority to water through a conjunctive use program; loss of yield or priority through substitution of supply from its present source in the Stony Creek water shed to an off-site storage facility.

Presently, OUWUA has a first priority to both, to captured water and to natural flow water. The entire capacity of the system is used in its full complement on a year to year basis. This right must remain inviolate. OUWUA must be made whole in the event of any shift in use or priority.

CalFed must take account of the benefits to the water shed resulting from existence of OUWUA and its use of water. Tail water presently flows down to other water districts in the Sacramento Valley for subsequent use. A substantial amount of its water percolates into the ground and recharges the ground water system of the Sacramento river ground water basin. Benefits then accrue to places such as the town of Orland, which consequently makes less demand on finite Sacramento river water resources. The mandated agricultural use within the OUWUA slows runoff, lessening the threat of floods and protecting levees in the Delta. What other water resources exist to grow and maintain the habitat for the entire ecological system?

A taking or reallocation of OUWUA water rights not only would have a negative impact in all these areas, but would also lead directly to a disruption of life in the economic and social community, which in turn would cause people to leave for urban areas, thereby exacerbating the problems which CalFed intends to address.

2. Priority of water right is critical OUWUA uses approximately 100,000 acre feet of water per year. That is the entire water right which it has to captured water through the Stony Creek basin. The only other right that OUWUA has is a "natural flow right" to 85,000 acre feet in the Stony Creek water shed itself. In a "critically dry year", the entire 100,000 acre feet of captured water would be consumed, leaving no water available a second "critically dry year". In short, OUWUA would be completely out of water in its second "critically dry year". Since California has regularly had 5 year drought periods, OUWUA would be without any meaningful supply of water even under the present system by which it holds water rights. Any attempt to re-prioritize or reallocate to the detriment of OUWUA and its members would itself lead to the unmitigable, negative impacts. Priority of OUWUA water rights must be maintained. OUWUA must be "made whole" in this scheme.

GROUND WATER AND CONJUNCTIVE USE ISSUES HAVE NOT BEEN THOROUGHLY AND PROPERLY ADDRESSED

In addition to the negative impact previously addressed whereby a clear right to water is replaced by an enhanced public trust interest in the substituted water resulting from conjunctive use, there are other substantial, negative impacts in this area which must be addressed.

1. The percolation rate must be identified and quantified so that there is a neutral result in anything less than critically dry years;
2. The source and amount of recharge (as opposed to percolation) must be, identified and quantified so as to achieve the same neutral result;
3. The term "neutral result" means avoidance of overdraft at the end of any year, whatever end date is actually chosen;
4. The EIS/EIR contemplates overdraft in critically dry years to be replaced subsequently from *in excess* water years. Standards must be in place to protect the ground water facilities from continuous overdraft beginning in critically dry years. In other words, the volume of percolation and recharge capability must be established and quantified so that the ground water is replaced in a reasonable period of time.

A standard which would insure the recharge of ground water would be to create an analytical system such as exists in Orange County where the ground water aquifer must be sufficiently full that salt water cannot impinge on the fresh water source. Certain and constant pressure of fresh water is what keeps the salt water from inundating the fresh water supply. A standard such as this "pressure system" should be suitable and appropriate to preserve and protect the ground water.

5. Issues of Subsidence must be scientifically studied and addressed prior to establishment of any conjunctive use.

IMPACT OF POPULATION GROWTH IN NORTHERN CALIFORNIA

The States population has gone from 1.5 million in 1900 to 20 million in 1970 to over 30 million today. Population is expected to increase to 47.5 million people in the year 2020, with each family needing a quarter acre foot of water per year for consumption.

That increase in the number of California citizens is likely to spread over more of California than exists at present, simply due to diminishing space near the largest metropolitan areas.

As a consequence, the Program must reserve sufficient supplies of water for increasing populations and changing, more intensive uses in the North State for the foreseeable future, including a "safety net of additional" water for growth and changes beyond projections

ANALYSIS OF THE FUNDING FOR THE CALFED PROGRAM DEMONSTRATES A LACK OF EVEN HANDED ANALYSIS

The EIS/EIR is subject to further attack on the grounds that the various alternatives are not being waived with an even hand, as is required by law. The general estimate of current costs for the CalFed, EIS/EIR program is \$5,169,000,000. Of that amount the Integrated Storage Investigation Program is expected to cost \$370 million, of which \$300 million is for south of Delta ground water and north of Delta ground water storage. This leaves only \$70 million for surface water storage study. Clear, pre-established priorities are demonstrated by a simple review of these funding figures. Off-site storage studies are only the tip on a very long tail.

CALFED HAS FAILED TO INCLUDE THOSE MOST IMPACTED BY THE PROCESS

Those giving up rights, having rights reallocated, changing agricultural operations or entire lifestyles, those forced from the land into urban areas have, as a group, been excluded from the CalFed process to this point.

Ordinary citizens', such as those who are members of the OUWUA, are at risk of loss or diminshment their running water rights, their storage water rights, the mannaer in which they use their farms and ranches, the financial viability of those farms and ranches to the extent less or more expensive water is required to be applied. Yet they have been entirely excluded from the process.

In light of the comprehensive nature of the program, including water shed management concepts, and the indirect beneficial results accruing to local municipalities, it has been unfair and inequitable to leave these people "completely in the dark" with respect to the meetings, studies and decisions which have obviously taken place, and which continue to take place.

CalFed must develop a process by which these ordinary citizens can involve themselves in a timely and meaningful way in the process which leads to the ultimate result. This is particularly true where CalFed is requesting the general public to approve generalized concepts and, sub silencio, approve unstated assumptions which will carry forward for a period of 20 to 30 years.

Moreover, some of the concepts such as fallowing of ground will lead to severe economic impacts in the entire economic community due to lessened purchasing power. Purchase of ground will result in properties being removed from the tax rolls, thereby causing an additional tax burden to the remaining citizens. This issue has not been addressed in any way.

RISKS TO PEOPLE AND DISTRICTS SUCH AS THE OUWUA AND ITS MEMBERS CAN CLEARLY BE DISCERNED FROM THE EIS/EIR ITSELF.

Revised Phase II Report

1. At page 1-6 the Ecosystem Quality Element, can easily lead to a taking of water or change of prioritization and the use of water.

2. At page 1-7, the water supply reliability element has a goal to export water supplies to meet beneficial needs including Bay-Delta outflow needs, and improved predictability of water supplies for beneficial use needs. All of these goals tend to place people, such as ourselves, at risk.

3. Actions related to water conservation are set forth at page 2-11. The Ag conservation incentive programs contain their own risks, resulting from potential high dollar costs imposed on ag users, potential loss of volume of existing water supply through failure to meet program standards with imposed penalties.

4. Under environmental consequences set forth at page 3-3, the results may reduce ag income in local areas and may cause localized adverse social impacts.

5. At page 3.4, the theme that "long-term productivity out weights short-term impacts" means changes in land use, changes in application of ag resources, and changes in cultural resources [see also pages 3-5, and table 3-7]

6. Page 3-8 references "other programs such as the water use efficiency and water transfer programs", mandating "more efficient allocation of existing supplies. Its statement clearly contemplates redistribution of water resources.

7. At page 3-15 to 3-16, the program contemplates conversion of farmland with adverse economic effects, reduction in water supply, and alteration of land use practices in the upper water shed, resulting in job losses, reduced ag production and industry.

8. At page 5.1-25, significant criteria for primary water supply reliability is set, including increased access to economically efficient water supplies during average and drought periods for all beneficial uses (query: what is the price of economically efficient water?), an increase in water system operational flexibility, as well as improvement in water quality.

9. Section 7.2 deals with ag economics. "Substantially increased production costs" is identified at page 7.2-15. Purchase of water rights for instream flow would require a change in crop patterns and would affect crop values [page 7.2-16].

10. The primary beneficiaries of storage will be CVP Contractors! [page 7.2-18]

11. Power and energy issues may be re-prioritized through diversion of water presently belonging to OUWUA.

12. At page 65, under the water use efficiency plan, the document states that "it is a opportunity for locals to demonstrate that cost-effective use of water standards are being met [this apparently transfers the burden of proof to OUWUA and similarly situated districts and individuals, requiring those districts and individuals to win by a preponderance of the evidence].

13. Next, new rules, procedures and restrictions would be posed upon present relatively unrestricted water use through metering. Both use and transfer would be controlled thereby.

14. At page 96 the environmental water account is described as "prescriptive". This suggests a taking.

15. CalFed states it will develop a strategic plan for ag water efficiency prior to ROD. CalFed states it will rely heavily on local water managers to determine best actions to meet these objectives. However, OUWUA has never been contacted for its input. And we are only now nine months short of the ROD date.

16. Page 7 of the Water Use Efficiency Program plan provides that entities such as OUWUA and similarly situated parties would have to sustain the burden of proof to demonstrate efficient water use in order to receive storage permits

17. The certification process for improving water efficiency and best management practices (bmp) would further constrain present rights to use of water.

All these restrictions are measured against a minor increase of water availability with significant irrevocable negative impacts. As appears in numerous places in the documents, the North State is highly efficient in its use of water, already meeting several of the goals of the CalFed program through multiple use and multiple users. Consequently, the proposed burdens to be impose on the North State, and the numerous risks (both direct and regulatory) to there existing water entitlement are misplaced and unnecessary.

CONCLUSION

To pass judicial muster, the EIS/EIR must more coherently identify and address the potential negative impacts of this leviathan-like plan. It must meaningfully and thoroughly address means of avoidance and mitigation.

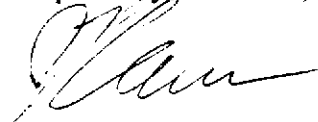
More particular, it is critical that the goals of the CalFed Program be prioritized and organized in such a way that there will be no negative impacts in a particular area until the prior, necessary infrastructure has been constructed, because, only in that way, can needless negative impacts be avoided.

There are numerous direct and indirect threats to users' of water in norther California. They are regulatory in nature, such as establishment of controls on their use of water with regulatory penalties for failing to comply with new CalFed imposed standards. Other regulatory threats are based upon a requirement with compliance with new regulatory procedures such as permit systems where none previously existed for adjudicated water.

In addition, there needs to be a balance among the competing interest so that the users' in the North State remain whole, so that their interests are not sacrificed for the needs of central and southern California.

A more thorough analysis of the potential, ultimate benefits for enhanced quality and volume of water must be undertaken prior to ROD. The effects of multiple use and transeaporation suggests that there is little to be gained in the Program from the North State, yet with profound, irrevocable burdens resulting to those North State interests.

Respectfully submitted,



John P. Connelly

SEP 28 1999 1391



West Basin Municipal Water District

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R. Keith McDonald, *President*

September 23, 1999

Mr. Lester Snow, Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Dear Mr. Snow:

Revised Phase II PEIR/EIS Comments

West Basin Municipal Water District (West Basin) has been a strong supporter of the CALFED process to repair the Sacramento-San Joaquin Bay-Delta and Estuary. On September 20, 1999, the West Basin Board adopted policy principals which reflect our comments and concerns about the Revised Phase II documents. These policy principals are enclosed.

In reviewing the documentation of the proposed CALFED solution, West Basin has determined that the proposed package has promise but is lacking in the detail necessary for affected water agencies to make informed decisions about supporting the CALFED plan. Water agencies cannot be asked to give undiscerning support for a plan where too many questions remain unanswered.

In addition, and in contrast to Metropolitan Water District of Southern California, West Basin does not support a free market for water transfers. Water is a public resource and should remain in the public domain. While West Basin does support the creation of a transfer clearinghouse that could facilitate transfers between willing buyers and sellers, it does not support a full free market system.

West Basin respectfully suggests that CALFED review our comments in the enclosed document. CALFED should provide answers for our concerns prior to the record of decision.

Thank you for providing us with the opportunity to comment on this critically important document. A sincere thank you for the time and energy you and your staff have put into this endeavor.

If you have any questions, I can be contacted at (310) 660-6258.

Sincerely,

R. Keith McDonald
West Basin Municipal Water District

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Enclosure

Darryl Miller, *General Manager*



WEST BASIN MUNICIPAL WATER DISTRICT

Policy Principles for a CALFED Bay-Delta Solution

Introduction

The original concept behind CALFED was to achieve improvement in all areas concerning the California Bay-Delta through a preferred solution so that all stakeholders would "get better together." These areas include environmental restoration of the Delta, water quality improvement, and water supply reliability for all beneficiaries of the Delta. West Basin Municipal Water District (West Basin) supported these objectives from the beginning, even though CALFED changed its course from selecting the technically superior solution to a "staged" implementation plan with no guarantees for improvement in any of the aforementioned areas. The current proposed plan still has promise but is sorely lacking in the detail necessary for stakeholders to make a deliberative and informed decision. West Basin has prepared these policy principles to inform CALFED of what is needed to develop a long-term successful plan. We join with other urban water agencies in Southern, as well as Northern California, to respectfully ask CALFED to review these principals and use them to improve the current plan to one that our agency can wholeheartedly support. Below are the principles that are supported by West Basin. These principles are broken out by subject and underlined for distinction.

Getting Better Together

The preferred solution must provide significant and benchmarked improvements in water quality, water reliability, and the environment. A comprehensive assurances package must be defined before the preferred solution can be supported. These assurances must include a "no-surprises" regulatory policy to eliminate regulatory induced uncertainties and insure no further losses of water supply compared with current available sources. The preferred solution will only be successful if it provides comprehensive coverage for all regulatory obligations; combining the State Water Quality Control Plan, state and federal Endangered Species Act (ESA), CVPIA, and other requirements into a single, manageable integrated system of regulatory requirements. This includes provisions in the preferred solution assuring permitting capabilities for major water quality and water supply facilities in concert with provisions for ecosystem restoration. Currently, CALFED's proposed plan does not adequately address these concerns.

Water Quality

CALFED has set water quality targets to achieve either average concentrations at Clifton Court Forebay of 50 µg/l bromide and 3.0 mg/l TOC (total organic carbon), or an equivalent level of public health protection using a combination of alternative source waters and technologies. West Basin supports the targets for bromide and TOC mentioned in the Phase II plan. Unfortunately, CALFED has not yet adopted a salinity target but does have a preliminary objective to reduce salinity in Delta supplies. Reduced salinity is of significant importance to West Basin as we have substantial investments in recycled water programs. Most of the imported water to the Southern California region is from the Colorado River and is of poor quality due to its high salinity. Colorado River water must be blended with Delta water to make it of recyclable quality. If salinity in Delta export water is not brought down to a manageable level, water recycling will become difficult, if not impossible. This would cause our District to become more dependent upon potable supplies from the Delta. Therefore, West Basin supports a target of 150 mg/l TDS (total dissolved solids).

Water Supply Reliability

In the program proposed by CALFED, an expansion of the Banks Pumping Plant in the South Delta would occur during the seven years of plan implementation. This expansion would result in an increase of pumping to 8,500 cfs (cubic feet per second) in the near-term (stage one) and 10,300 cfs in a longer term (possibly by the end of stage one). This increase, combined with interchangeable State Water Project (SWP) and Central Valley Project (CVP) operations, would help maximize the water deliveries for water supply agencies of both Projects.

West Basin supports the expansion of the Banks Pumping Plant to 10,300 cfs. However, the current plan from CALFED makes no statements regarding an operational agreement between the state and federal agencies that operate these two projects. Without such an agreement, disputes could occur over access to Delta water. West Basin supports the need for a commitment from CALFED for additional 200,000 acre-feet of dry-year yield for Metropolitan Water District, the largest contractor on the SWP. CALFED is expected to release a draft Water Management Strategy in late 1999. This strategy must include the Integrated Storage Investigation (ISI) plan to determine the appropriate mix of surface and groundwater storage, identification of potential projects, and initiate permitting and construction if program linkages and conditions are satisfied. Finally, CALFED must establish, finance and implement an Environmental Water Account (EWA) that is combined with an overall operations agreement to achieve a "no surprises" regulatory assurances for water users against the erosion of further supplies.

Southern California needs the Bay-Delta system to be free from the potential threat of interruption, possibly lasting several months, which was the case earlier this year with

Policy Principles for a CALFED Bay-Delta Solution
Page 3

the Delta Smelt. This episode involving the Endangered Species Act (ESA) eliminated assurances that this supply would remain reliable. The environmental community must recognize that reliability is of utmost importance to urban water agencies such as West Basin. Without assurances of a reliable supply of water for Southern California from the State Water Project, there can be no support from the District for a CALFED solution.

Water Transfers

CALFED has proposed a California Water Transfers Clearinghouse that would be a coordinating organization between willing sellers and willing buyers of transferable water. West Basin is highly supportive of this program element, but actions to accomplish this are lacking in the Phase II documents and must be more clearly defined. Fixing the Delta, operationally, would result in built-in capacity for accommodating transfers. Also, the Clearinghouse must include a complete evaluation of potential third-party impacts and mitigation of those impacts from upstream of the Delta, through the Delta, and all the way to the point of delivery.

Cost

In the current Phase II report, CALFED has proposed to create a financing plan which will include all expected revenue sources such as state and federal appropriations, state bonds, private financing, user fees and a system diversion fee. West Basin supports the inclusion of a financing plan in the PEIR/EIS that describes the funding mix for state and federal agencies, water wholesalers and retailers, and other beneficiaries who will be asked to pay for a Bay-Delta solution. The financing plan must provide a beneficial value commensurate with the beneficiary's proportional cost share.

What is not being addressed in the proposed financing plan, or anywhere else in the documents, is a full disclosure of the costs, feasibility, and effectiveness for out-of-Delta solutions. This includes enhanced treatment facilities and alternative water supply sources and a provision for a comparison of these alternatives compared to a Delta solution. Also, the financing plan should include an evaluation and disclosure of the economic ramifications and financing arrangements associated with out-of-Delta expenditures. Finally, and most importantly, CALFED should compare the technical performance of all the Delta conveyance alternatives against meeting CALFED's water quality, ecosystem, supply reliability, and system reliability goals.

SEP 28 1999

1390



Central Basin Municipal Water District

17140 S. Avalon Blvd • Suite 210 • Carson, CA 90746-1296

telephone 310-217-2222 • fax 310-217-2414

September 23, 1999

Mr. Lester Snow, Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Dear Mr. Snow:

Revised Phase II PEIR/EIS Comments

Central Basin Municipal Water District (Central Basin) has been a strong supporter of the CALFED process to repair the Sacramento-San Joaquin Bay-Delta and Estuary. On September 20, 1999, the Central Basin Board adopted policy principals which reflect our comments and concerns about the Revised Phase II documents. These policy principals are enclosed.

Central Basin has reviewed much of the documentation of the proposed CALFED solution. The District has determined that the proposed package has promise but is lacking in the detail necessary for affected water agencies to make informed decisions about supporting the CALFED plan. Water agencies cannot be asked to give undiscerning support for a plan where too many questions remain unanswered.

Central Basin respectfully suggests that CALFED review our comments in the enclosed document. CALFED should provide answers for our concerns prior to the record of decision.

Thank you for providing us with the opportunity to comment on this critically important document. A sincere thank you for the time and energy you and your staff have put into this endeavor.

If you have any questions, I can be contacted at (310) 660-6258.

Sincerely,

Darryl Miller, General Manager
Central Basin Municipal Water District

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Attachment



CENTRAL BASIN MUNICIPAL WATER DISTRICT

Policy Principles for a CALFED Bay-Delta Solution

Introduction

The original concept behind CALFED was to achieve improvement in all areas concerning the California Bay-Delta through a preferred solution so that all stakeholders would "get better together." These areas include environmental restoration of the Delta, water quality improvement, and water supply reliability for all beneficiaries of the Delta. Central Basin Municipal Water District (Central Basin) supported these objectives from the beginning, even though CALFED changed its course from selecting the technically superior solution to a "staged" implementation plan with no guarantees for improvement in any of the aforementioned areas. The current proposed plan still has promise but is sorely lacking in the detail necessary for stakeholders to make a deliberative and informed decision. Central Basin has prepared these policy principles to inform CALFED of what is needed to develop a long-term successful plan. We join with other urban water agencies in Southern, as well as Northern California, to respectfully ask CALFED to review these principals and use them to improve the current plan to one that our agency can wholeheartedly support. Below are the principles that are supported by Central Basin. These principles are broken out by subject and underlined for distinction.

Getting Better Together

The preferred solution must provide significant and benchmarked improvements in water quality, water reliability, and the environment. A comprehensive assurances package must be defined before the preferred solution can be supported. These assurances must include a "no-surprises" regulatory policy to eliminate regulatory induced uncertainties and insure no further losses of water supply compared with current available sources. The preferred solution will only be successful if it provides comprehensive coverage for all regulatory obligations; combining the State Water Quality Control Plan, state and federal Endangered Species Act (ESA), CVPIA, and other requirements into a single, manageable integrated system of regulatory requirements. This includes provisions in the preferred solution assuring permitting capabilities for major water quality and water supply facilities in concert with provisions for ecosystem restoration. Currently, CALFED's proposed plan does not adequately address these concerns.

Water Quality

CALFED has set water quality targets to achieve either average concentrations at Clifton Court Forebay of 50 µg/l bromide and 3.0 mg/l TOC (total organic carbon), or an equivalent level of public health protection using a combination of alternative source waters and technologies. Central Basin supports the targets for bromide and TOC mentioned in the Phase II plan. Unfortunately, CALFED has not yet adopted a salinity target but does have a preliminary objective to reduce salinity in Delta supplies. Reduced salinity is of significant importance to Central Basin as we have substantial investments in recycled water programs. Most of the imported water to the Southern California region is from the Colorado River and is of poor quality due to its high salinity. Colorado River water must be blended with Delta water to make it of recyclable quality. If salinity in Delta export water is not brought down to a manageable level, water recycling will become difficult, if not impossible. This would cause our District to become more dependent upon potable supplies from the Delta. Therefore, Central Basin supports a target of 150 mg/l TDS (total dissolved solids).

Water Supply Reliability

In the program proposed by CALFED, an expansion of the Banks Pumping Plant in the South Delta would occur during the seven years of plan implementation. This expansion would result in an increase of pumping to 8,500 cfs (cubic feet per second) in the near-term (stage one) and 10,300 cfs in a longer term (possibly by the end of stage one). This increase, combined with interchangeable State Water Project (SWP) and Central Valley Project (CVP) operations, would help maximize the water deliveries for water supply agencies of both Projects.

Central Basin supports the expansion of the Banks Pumping Plant to 10,300 cfs. However, the current plan from CALFED makes no statements regarding an operational agreement between the state and federal agencies that operate these two projects. Without such an agreement, disputes could occur over access to Delta water. Central Basin supports the need for a commitment from CALFED for additional 200,000 acre-feet of dry-year yield for Metropolitan Water District, the largest contractor on the SWP. CALFED is expected to release a draft Water Management Strategy in late 1999. This strategy must include the Integrated Storage Investigation (ISI) plan to determine the appropriate mix of surface and groundwater storage, identification of potential projects, and initiate permitting and construction if program linkages and conditions are satisfied. Finally, CALFED must establish, finance and implement an Environmental Water Account (EWA) that is combined with an overall operations agreement to achieve a "no surprises" regulatory assurances for water users against the erosion of further supplies.

Policy Principles for a CALFED Bay-Delta Solution
Page 3

Southern California needs the Bay-Delta system to be free from the potential threat of interruption, possibly lasting several months, which was the case earlier this year with the Delta Smelt. This episode involving the Endangered Species Act (ESA) eliminated assurances that this supply would remain reliable. The environmental community must recognize that reliability is of utmost importance to urban water agencies such as Central Basin. Without assurances of a reliable supply of water for Southern California from the State Water Project, there can be no support from the District for a CALFED solution.

Water Transfers

A free market for water would greatly contribute to Southern California's ability to meet its water demands, particularly in periods of drought. Federal and state agencies have stood in the way of the development of a free market for water due to current and conflicting regulations and multiple overlying jurisdictions. This can and must be corrected as a part of CALFED preferred solution.

CALFED has proposed a California Water Transfers Clearinghouse that would be a coordinating organization between willing sellers and willing buyers of transferable water. Central Basin is highly supportive of this program element, but actions to accomplish this are lacking in the Phase II documents and must be more clearly defined. Fixing the Delta, operationally, would result in built-in capacity for accommodating transfers. Also, the Clearinghouse must include a complete evaluation of potential third-party impacts and mitigation of those impacts from upstream of the Delta, through the Delta, and all the way to the point of delivery.

Cost

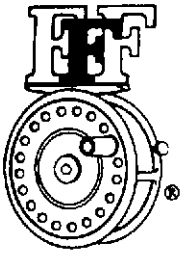
In the current Phase II report, CALFED has proposed to create a financing plan which will include all expected revenue sources such as state and federal appropriations, state bonds, private financing, user fees and a system diversion fee. Central Basin supports the inclusion of a financing plan in the PEIR/EIS that describes the funding mix for state and federal agencies, water wholesalers and retailers, and other beneficiaries who will be asked to pay for a Bay-Delta solution. The financing plan must provide a beneficial value commensurate with the beneficiary's proportional cost share.

What is not being addressed in the proposed financing plan, or anywhere else in the documents, is a full disclosure of the costs, feasibility, and effectiveness for out-of-Delta solutions. This includes enhanced treatment facilities and alternative water supply sources and a provision for a comparison of these alternatives compared to a Delta solution. Also, the financing plan should include an evaluation and disclosure of the economic ramifications and financing arrangements associated with out-of-Delta expenditures. Finally, and most importantly, CALFED should compare the technical

Policy Principles for a CALFED Bay-Delta Solution
Page 4

performance of all the Delta conveyance alternatives against meeting CALFED's water quality, ecosystem, supply reliability, and system reliability goals.

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FEDERATION OF FLY FISHERS™
Conserving • Restoring • Educating Through Fly Fishing
Northern California Council

September 23, 1999

CalFed Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Attention of: Mr. Richard Breitenbach

Subject: Comments, Ecosystem Restoration Program Plan

Dear Mr. Breitenbach:

This is to expand on our public statements and the written materials separately submitted by Mr. Dan McDaniel, President, NCCFFF, and Mr. Rob Ferrogiaro, Conservation Vice-President. This submittal includes an introductory policy overview which is followed by separate specific comments related to the following components of your studies:

1. Environmental Document Deficiencies
2. Ecosystem Restoration Goals
3. Steelhead
4. Striped Bass
5. Watershed Program

We support the CALFED process as an essential method by which California may restore lost public trust assets while maximizing beneficial uses of its water resources. Our principal caveat is that appropriate and guaranteed water flows must be made available to assure we "optimize" our fish and wildlife resources, rather than merely "sustain" them. We agree with an approach which restores the "natural processes" which work normally in uncontrolled rivers and streams. However, from a hard headed business standpoint, this is not inconsistent with setting "optimum" numerical goals for species recovery. Such goals must be set where they are missing from the plan.

We extend our compliments on the massive compilation of technical data and water disposition alternatives presented in your agency's latest draft Ecosystem Restoration Program Plan Draft Programmatic EIS/EIR. At the same time we find inadequate solutions to real problems which require substantial responses from CALFED. The following pages summarize some of the concerns northern California sport anglers see with the latest draft.

Protection of the rights of areas of origin was a bedrock foundational concept to the public's acceptance of the California Water Plan in the late 1950's. There is a basic inconsistency inherent in matters left unsaid in CALFED's draft. If California's areas of water origin and

natural distribution are to be worth living in major improvements in our fishery and wildlife resources are required. No place in CALFED's work sets out a clear enunciation of a goal to retrieve significant parts of what was lost before moving forward. Careful consideration must be given to current water use practices of consumptive users. While food and fiber are necessary, some types of "food" and some fiber are not worth the cost in water consumption they require. Surpluses of cotton and certain tree and vine crops are examples demanding prioritization for scarce water use. Building lakes so new high value homes will enjoy water frontage is a profligate waste of water. An entire City without water meters to act as a potential cost control on use is a condition which must be changed. "Enhancement" and "improvement" surpassing post Central Valley Project fishery and wildlife conditions must be precursors to any further water resource exploitation schemes.

The CALFED Draft Programmatic EIS/EIR proposes to restore California's Central Valley's and San Francisco Bay-Delta fish and wildlife resources to "sustainable" levels. The study does not recognize nor account for the tragic damage the Central Valley project has done to the Trinity River fishery. Nor is any corrective action proffered. This oversight requires correction. As used in the report, the term "sustainable" is related to conditions extant after much of the resource damage was done, after the principal elements of the Federal Central Valley Project were installed and after major failures in Sacramento-San Joaquin fisheries had resulted. "Sustainable" ratifies what we've lost. It is not a positive concept of fairly distributing the pain of sharing the effects of California's natural water-short condition. Our fishery and wildlife resources have already suffered the losses. They should be restored to a scientifically supportable norm representative of the best man can achieve. Standards should be high to meet the recreational needs of an expanding population. They should not drop to the level of mediocrity suggested by those whose best interests would be well served if "sustainability" were the CALFED standard.

While societal needs must be met, clear priorities for consumptive uses must be established. CALFED's present documentation fails to adequately address the requirement that the resources of areas of origin will be enhanced to adequately high standards. As a result, the burden of providing adequate water for a rapidly expanding population again falls on the natural resources. We recommend that before there is any further planning for new water projects land use inventories be made in areas of consumption to determine where surplus crops are being produced, and where urban water use practices may be abusive. In the meantime, we request that the CALFED goals for fishery restoration be expanded to recognize pre-Central Valley Project conditions.

Our specific ERPP EIS/EIR comments follow.

Sincerely,



Charles P. Bucaria, Sr., Director

cc: Governor Gray Davis
Resources Agency Secretary Mary Nichols

1. ENVIRONMENTAL DOCUMENT DEFICIENCIES

The environmental documents are deficient with respect to the development of alternatives. Alternatives should be developed that provide no increase/enhancement in water export and reservoir storage (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative). Alternatives should also be developed that decrease water export and reservoir storage (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative).

As was stated in the Framework Agreement, the agreement which created CALFED, and was restated in the Draft Programmatic EIS/EIR, the Program is charged with developing long-term solutions to the following (1) fish and wildlife problems in the Bay-Delta, (2) water supply reliability problems in the Bay-Delta, (3) flood control problems in the Bay-Delta, and (4) water quality problems in the Bay-Delta.

The current fish, wildlife, and water quality problems have been substantially caused by dams and export facilities. It is logical to expect that substantial fish, wildlife, and water quality benefit will be derived by strategically removing/reducing selected dams and export facilities. Likewise, it is logical to expect new/expanded dams and export facilities will continue the legacy of fish, wildlife, and water quality degradation. Conversely, it is illogical to expect that new/expanded dams and export facilities will benefit fish, wildlife, and water quality. However, all four alternatives contained in the environmental documents call for new/expanded dams and export facilities. In so doing, the environmental documents have focused on a narrowly defined set of alternatives and not even considered some basic, logical alternatives.

CEQA (California Environmental Quality Act) and NEPA (National Environmental Policy Act) mandate consideration of a reasonable breadth and scope of alternatives, but the draft EIS/EIR has failed its mandate. Without alternatives for (1) no increase/enhancement in water export and reservoir storage, and (2) significantly decreased water export and reservoir storage, the environmental documents are fatally flawed and noncompliant with CEQA and NEPA. CalFed needs to develop these alternatives (while maintaining many of the ecosystem restoration, levee protection, water quality, and watershed management aspects of the preferred alternative), revise the environmental documents accordingly, and conduct another public comment period.

Inclusion of the aforementioned alternatives does not mean any of them must be the preferred alternative. That is a matter for objective judgement. However, exclusion of such alternatives does mean that the EIS/EIR has failed its legal mandate.

CalFed appears to have misinterpreted its charter. The charter calls for an increase in water supply reliability, not the quantity of water supplied. CalFed should refocus its efforts on reliability and, in so doing, discover that new/expanded export facilities and dams are not nearly so advantageous.

2. ECOSYSTEM RESTORATION GOALS

Ecosystem restoration goals likely cannot be met unless in-stream flows are increased. CalFed needs to incorporate this likelihood into the environmental documents and its adaptive management process.

CalFed's proposed ecosystem restoration is a complex and interrelated program with a significant weak link - that being the quantity and quality of water. Very few, if any, of the proposed ecosystem actions can be considered robust and durable without control over this most important factor. Within the environmental documents, CalFed should clearly acknowledge that many of the proposed actions will fail and many of the goals will not be met unless sufficient quantities of suitable quality water are kept flowing through the ecosystem. CalFed should further acknowledge that many of the proposed restoration actions will be "sent back to square one" if even one critical period water flow and water quality requirement is not met.

If CalFed considers the environmental water account and/or water transfer program the essential links that maintain a strong chain for ecosystem restoration, CalFed should so state in the environmental documents. If CalFed considers these links essential, the environmental documents should be revised to disclose to the concerned public the magnitude and timing of the flows, along with the allocation of costs. If CalFed believes the environmental water account and/or water transfer program essential to the success of the ecosystem restoration, the environmental documents cannot be considered compliant with CEQA and NEPA until at least a modicum of detail is presented for public comment.

The CalFed adaptive management approach needs to incorporate provisions for additional water of sufficient quality as one of the primary contingency actions. Without the full benefit of sufficient high quality water, CalFed's restorative actions will be half-hearted, at best. If additional water is not one of CalFed's primary contingency actions, the environmental documents should so explain and bring this important decision into the realm of public comment.

3. STEELHEAD

CALFED's separate documents reflect inadequate information from which to understand its specific goal with respect to steelhead recovery in the Sacramento-San Joaquin river system. Its figures are confusing and explanations are inadequate. Different population numbers representing different approaches to the population recovery goal must be reconciled. Further, the maximum number shown in the ERPP is inadequate. The documentation is totally silent and therefore inadequate with respect to the Trinity. Changes in the draft to meet with our steelhead population recovery concerns and Trinity River needs are requested. The following partial citations provide direction to the reader.

CALFED's "Multi-Species Conservation Strategy," page no. 3-7, states as a goal:

"Recovery to a minimum of 13,000 adult steelhead spawning upstream of the Red Bluff Diversion Dam; restore self-sustaining populations of steelhead to all streams that provide suitable habitat and historically supported steelhead populations, or could be restored to provide suitable habitat with the implementation of reasonable restoration and protection measures; and increase populations such that numbers of fish of natural origin equal or exceed the average number of fish of hatchery and natural origin from 1980-1998."

6. "ERPP Volume I," page no. 222, cites as follows:

" The California Fish and Wildlife Plan estimated that there were 40,000 adult steelhead in the Central Valley drainages in the late 1950's, and Hallock et al. (1961) estimated that the average annual steelhead run size was 20,540 adults in the Sacramento River system above the mouth of the Feather River. In the early 1960's it is estimated that 30,000 adult steelhead returned to Central Valley rivers and streams (Mills et al. 1996, Mills and Fisher 1994).

7. "ERPP Volume II," "Zone Visions" is silent on steelhead restoration goals.

As a baseline goal we request CALFED restore both Sacramento-San Joaquin and Trinity River steelhead to pre-project population levels. Steelhead populations have been drastically reduced in all rivers or streams effected by Central Valley Project or State Water Project water exports. The historic record of numerical counts is weak. However, oral history and the broad written record indicate steelhead abundance was vast. In order to reconcile the discrepancy of inadequate pre-project inventories with generalities found in other sources, scientific projections made by the State Department of Fish and Game steelhead biologist contributing to CALFED's draft form a reasoned basis for an acceptable population goal.

CALFED's principal goal for steelhead restoration must be to "optimize" populations, rather than assure fish counts are at "sustainable" levels. This means the restoration goal for the Sacramento-San Joaquin river system should not be the 40,000 steelhead population

estimate made by the State Department of Fish and Game based on its surveys from the early 1960's. Rather, the optimum goal should be a scientifically based number which lies between two and ten times the Chinook salmon count. This is a methodology reported by the Fish and Game biologist who provided contributory input to CALFED's reports. Thus, if there are one to two million Chinook salmon in the Sacramento-San Joaquin system there should be an optimum CALFED goal of two to ten million steelhead. Information deleted from CALFEDS final report indicated higher steelhead counts were appropriate than the low numbers cited in the draft document. A major correction is necessary.

Habitat restoration actions under CALFED to help Chinook salmon will benefit steelhead only to a minor degree. The CALFED Ecosystem Restoration Program Plan must provide the means by which steelhead may reach the head waters of river systems and streams to which they have had historic access (or where access may be made available under the habitat restoration program). In many valley rivers adequate supplies of water cool enough for summering-over steelhead juveniles are not available. These two conditions must be corrected under the ERPP:

1. Currently inadequate or unstable supplies must be replaced with adequate supplies of high quality water.
2. Water temperatures must fall within the optimum range for steelhead in all of their life stages.

In order to achieve the goals noted above, additional temperature control devices may need to be added to existing reservoirs. However, getting more steelhead to extensive and diverse headwaters not used by Chinook salmon is the appropriate action if runs are to be optimized. This is necessary because of the year around temperature sensitivity of steelhead, and so that the two species don't compete for the same limited food supply. Access to smaller feeder streams for steelhead will limit the competition to the advantage of both species. As a part of the optimization process, experiments must be funded to determine the efficacy of steelhead restoration above major reservoirs.

We applaud removal of dams on Butte Creek. Action to implement the Battle Creek plan will potentially result in expanded high quality steelhead habitat. We support rapid action on this project. Dam removal on Clear Creek has similar potential. These creative approaches to solving the problem of where can restoration take place are commendable. Englebright dam on the Yuba River presents a different problem. The dam must go, or a fail-safe method of fish passage must be found. The price may include flood control works downstream, which we support, in concept. The costs will be high and the politics difficult. Nevertheless, this represents potentially the best single option for free-flowing river restoration in California. In no event should Yuba River steelhead restoration be minimized or eliminated. We strongly support CALFED action to make this restoration take place.

On a separate front, any plan for restoration of must include funds for experiments and feasibility studies related to steelhead passage around major dams and reservoirs. Both Shasta and Oroville are candidate reservoirs for such experiments.

4. STRIPED BASS

The environmental documents contain inconsistent statements with respect to striped bass and the restoration of the striped bass fishery. The documents should be revised to consistently reflect (1) historical abundance as the restoration goal, (2) restoration without artificial reproduction (hatchery propagation and stocking), and (3) acknowledgment and mitigation of the human health effects of striped bass ingestion.

The environmental documents defer to the 1996 California Fish & Game Commission policy for restoration of the striped bass fishery (short-term abundance of 1 million bass exceeding 18-inches, long-term abundance of 3 million bass exceeding 18-inches). CalFed should recognize that this policy was formulated as a compromise regarding what was "achievable", given continued entrainment of striped bass by the Tracy and Clifton court pumping plants, continued depletion of habitat, and continued water quality problems. The restoration goal for striped bass should be historical abundance (approximately 7 to 17 million bass exceeding 18-inches). Any other goal will be arbitrary. Any lesser goal will fail to recognize the recreational importance of one of the Bay-Delta's top gamefish.

The environmental documents are inconsistent with respect to artificial spawning to support restoration of the striped bass fishery. Most of the inconsistencies appear within the Environmental Restoration Plan. In some parts of the documents artificial spawning is considered necessary to restore the fishery, in other parts of the documents artificial spawning is considered necessary for the short term, in still other parts of the documents artificial spawning is considered detrimental due to predation on priority species. The environmental documents should target restoration of the striped bass fishery without artificial spawning.

The environmental documents are inconsistent with respect to predation of striped bass on priority species. Most of the inconsistencies appear within the Environmental Restoration Plan. Some parts of the documents represent predation as a concern while other parts of the documents fail to mention predation concerns in relation to the striped bass fishery. Provided striped bass abundance is not out-of-balance with ecosystem capacity, striped bass predation on priority species will not be a significant concern. We have made numerous scientific inquiries and this is a universally-held opinion. To ensure striped bass abundance is in balance with ecosystem capacity, striped bass should be restored through natural propagation, not artificial spawning.

The environmental documents state that, because harvest rates are below 20%, harvest restrictions will not be an effective tool for striped bass recovery. This is not true. Because of striped bass fecundity, harvest restrictions, particularly for the larger females, will be an extremely effective tool for striped bass recovery. We believe that harvest restrictions represent the best way to position the striped bass fishery for recovery under CalFed's ecosystem restoration.

The environmental documents fail to note that significant historical striped bass spawning occurred in the main stem of the San Joaquin River, but that heavy diversions from the San

Joaquin and its tributaries, along with major flow changes caused by the Tracy and Clifton Court pumping plants, have decimated this natural spawning. The natural reproduction of striped bass within the San Joaquin system is currently limited by the ability of this system to produce consistent spring flows that will keep fertilized eggs in suspension for at least 72 hours. This is one more important consideration for the management of water in the south Delta.

Striped bass are currently recognized by the regulatory agencies as unhealthy to eat except in very limited quantities. The latest recommendations by the California Office of Health Hazard Assessment, for normal healthy adults, consist of 2 meals or less per month, with no fish larger than 35 inches. The recommendations are stricter for pregnant women and children. Despite these warnings, the striped bass is one of the most widely-consumed fish from the Bay-Delta. The human health hazards from striped bass consumption represent a chemical hazard that, by and large, remains unacknowledged and unaddressed by CalFed. Moreover, no mitigation strategy is proposed. Mitigation strategies could include harvest restrictions, water quality and sediment quality improvements, and public education. The environmental documents should be revised to recognize and mitigate the human health problems of chemically-tainted striped bass.

5. WATERSHED PROGRAM

We believe that the watershed program has great potential for contributing to the CALFED Bay/Delta solution. Restored watersheds and improved land use practices can improve the economies and quality of life in the upper watersheds, as well as improving California's water balance. Simple actions such as excluding cattle from river and stream riparia areas will improve water quality, reduce sediment loads, lower water temperatures for cold water species, create equivalent storage in rewetted meadows, reduce downstream flooding and improve the time value of water flows.

All water quality and quantity benefits accrued through the watershed program should be used for environmental improvement purposes throughout the system. The operative rationale is that the watershed program is funded using public revenues. Thus, the water quality and quantity benefits should flow to public trust resources.

The Watershed Program Plan discusses the need for linkages with other CALFED program elements. However, it does not provide a workable methodology to interrelate successes in the watershed with a Bay/Delta solution. The Watershed Program plan must include a system to quantify potential improvements in stream flow, water quality, sediment transport, time value of water and flood potential reduction. These interrelated components can then be modeled and incorporated into California's water budget. Reservoir operating criteria can then be modified to reflect the reality of restored watersheds, as measured by the CALFED monitoring and assessment program. This effort to link watersheds to the Bay/Delta solution should be iterative and long term.

Semitropic Water Storage District

BUTTONWILLOW IMPROVEMENT DISTRICT
POND-POSO IMPROVEMENT DISTRICT
SEMITROPIC IMPROVEMENT DISTRICT

P.O. BOX 2

WASCO, CALIFORNIA 93280
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FAX NO. (805) 758-3219

September 23, 1999

Mr. Lester Snow
Executive Director
CALFED Bay-Delta Program
1416 9th Street, Suite 1155
Sacramento, CA 95814

Re: Comments on Revised Draft Programmatic Environmental
Impact Statement/Report for the CALFED Bay-Delta Program

Dear Mr. Snow,

We submit the following comments on the above-referenced Draft EIS/R. We have also reviewed, endorse, and incorporate herein by reference the more comprehensive and technical comments submitted by the Ag/Urban Group, and by the Kern County Water Agency. The following comments are only a summary and the more specific and technical comments are set forth in the above referenced documents.

A. ECOSYSTEM QUALITY:

1. In analyzing the proposed Environmental Water Account (EWA), CALFED improperly assumes a baseline for EWA providing additional environmental benefits to that already provided by the Bay-Delta Accord, plus CVPIA, plus existing ESA Biological Opinions. This is entirely inappropriate and inconsistent with the Accord which was recognized as an interim measure until a long-term CALFED solution was prepared.
2. The EWA must assume full risk for its actions and water use for environmental purposes must be accounted for the same as for agricultural or urban purposes.
3. The proposition of a Delta system diversion fee is entirely inappropriate to the extent that water users achieve no benefits from CALFED programs. Additionally, no mention is made of the Federal government paying a fee for environmental water diverted under existing regulations, such as the ESA. The diversion fees or other user based financing can only be considered to the extent it is linked to tangible benefits received from the Program in terms of an enhanced water supply.

Mr. Lester Snow
Executive Director
CALFED Bay-Delta Program
September 23, 1999
Page 2

4. Funding for broad-based public benefits must also include costs incurred by the SWP and CVP for reoperating those projects.
5. The draft EIS/R suggests that Ecosystem restoration programs could require up to 700,000 acre-feet of water over the baseline, which would have a significant impact on agricultural resources, which is not adequately evaluated, not to mention in violation of guiding principles under which CALFED was formed.

B. WATER SUPPLY RELIABILITY:

1. The potential benefits of Water Use Efficiency (WUE) are grossly overestimated.
2. WUE will not reduce demand for Delta exports.
3. The stated prerequisite for demonstrated WUE to any new storage is inappropriate.
4. There is ample information for a programmatic finding that additional storage is needed.
5. Export water quality and diversion effects on fishery can be enhanced by a dual delivery system, which is not adequately considered.
6. The suggested limitation on transfers absent WUE measures would interfere with water marketing and inappropriately assumes that water transfers are a new source of water.

C. COMPREHENSIVE MONITORING, ASSESSMENT AND RESEARCH PROGRAM ("CMARP"):

1. The draft EIS/R fails to provide any details on institutional structure for CMARP and how it would be funded.
2. It is totally inappropriate and counterproductive for agricultural research based simply on reducing water requirements - the crop mix in California is entirely market driven.

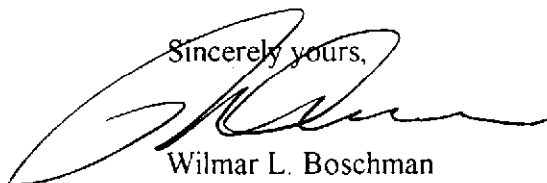
Mr. Lester Snow
Executive Director
CALFED Bay-Delta Program
September 23, 1999
Page 3

D. GENERAL:

1. The draft EIS/R assumes that any increase in water supply will be growth inducing. This is clearly an error as growth has occurred in California and will continue to occur which its water supplies have been decreasing, not increasing. The State's water supply must be increased and keep up with growth, unless CALFED intends to control immigration or birth rates.
2. The draft EIS/R is a great disappointment to all of us who "went out on a limb" to support the Accord and the formation of CALFED in an effort to "get better together." The draft EIS/R must be fundamentally rewritten and redirected if there is any opportunity for this process to succeed.

Thank you for consideration of our views.

Sincerely yours,



Wilmar L. Boschman
General Manager

WLB:mp

SEP 28 1999

1387

September 23, 1999

CalFed Bay-Delta Program
1416 Ninth Street, Suite 115
Sacramento, CA 95814

Attention: Mr. Rick Breitenbach

Attached please find the presentation I was going to make at the CalFed Public Hearing held in Sacramento on September 22, 1999. Unfortunately, I was required to leave before my name was called to speak. I was informed that if I mailed my presentation with a postmark no later than September 23, 1999 it would receive equal consideration to the material presented at the Public Hearing. I would appreciate it if you would add the attached presentation material to all the other information received related to CalFed's hearing on its draft EIR/EIS for consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ronald Bachman". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Ronald Bachman, Director
Northridge Water District

5631 Kiva Drive
Sacramento, CA 95841
(916) 484-0572

Presentation to CALFED-9/22/99

CalFed has been working for several years to come up with an EIS/EIR (Plan) which will lead to the repair and enhancement of the environment while enabling people south of the Delta to divert water. The draft Plan has many fine elements contained in it, and discusses methods to be used which will monitor the effects of applying these elements. In my opinion, while this approach is a lot better than has occurred in the water wars of the past, the Plan still has not changed the basic approach of the past which is to take water from the north and provide it to water poor areas in the south. This Plan will lengthen the time it will take for another water war to occur, but using this approach the water wars will inevitably occur again in the future. The basic approach is flawed.

Basically, it is assumed that northern California cannot use all the water that is precipitated upon it. While this may be true at this time, application of the Plan will surely impede growth in northern California by reducing the water that would be available. The areas and counties of origin that currently have some protection in water law will be precluded from obtaining water to which they have an inchoate right because to exercise this right, simply put, requires them to purchase the water right even though they have first call on the water. I don't believe any political entity will be able to afford purchasing these water rights after all the work, studies, construction, etc., that could be performed, as indicated in the Plan, will be completed. Thus, northern California is relegated to be a resource of southern California rather than to be its partner.

Instead, I propose that northern and southern California be true partners. This can be accomplished not by taking northern water but instead by using northern dollars. If the water is allowed to remain in the north and the expanding population of northern California provides ever increasing amounts of tax dollars (from the expanding population) to the south, both poles of California can prosper. These dollars can be used to develop and build more treatment plants to provide recycled water to agriculture and more desalination plants along the coast with the distribution and pumping facilities needed to provide the water where it is needed. Meanwhile northern California can look to the future assured that its growth can continue since it will have the water needed to provide to its citizenry. In addition, the environment will be allowed to heal, since humankind will stop trying to make major modifications to change the natural flow cycle of the watershed.

Adaptive management is discussed in the CalFed approach and this sounds like an honest attempt to review everything that is occurring under the Plan, changing things that appear to need change and enhancing steps that appear to be working. In my opinion, we are deluding ourselves. The Bay-Delta and its watershed is a very complex system, as I am sure you are all well aware. Changes may appear to occur in 3-5 years in certain habitats or ecosystems, but there will have been so many factors that could have caused them that it is highly uncertain that we will be able to find the cause for those changes. Was there a change in the weather pattern (rain cycle, temperature cycle, etc.), did we take or overlook some action, was there a smaller fishing fleet during the last fishing period, and so on and so forth? Again, instead, I recommend

that we don't play with the management of the northern watershed but transport dollars rather than water. An added attraction to this approach is that we won't have to spend funds on the complex studies needed for adaptive management, which in itself simplifies the entire system and saves many dollars that instead can be used to take positive actions.

A handwritten signature in black ink, reading "Ronald Bachman". The signature is written in a cursive style with a large, sweeping initial 'R'.

Ronald Bachman
Director-Northridge Water District
Director-Sacramento North Area Groundwater
Management Authority
Charter Member and ex-Director-Sacramento
Metropolitan Water Authority

5631 Kiva Drive
Sacramento, CA 95841

SEP 28 1999

1386

sacramento
river



preservation
trust

September 23, 1999

Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mr. Breitenbach,

The Sacramento River Preservation Trust (Trust) would like to take this opportunity to submit the following comments concerning the Draft Programmatic EIS/EIR for the CALFED Bay-Delta Program:

1. The Trust is a **strong** supporter of acquisition and restoration activities within the floodplain of the Sacramento River. In particular, the Trust supports the goals of the SB 1086 Program and would request that significant financial resources be dedicated to meeting the goals of that program.
2. There is a lack of adequate metering for water being used in both urban and agricultural areas. A comprehensive monitoring program relative to agricultural water use, especially within the federal Central Valley Project service area, must be put in place as part of a credible water conservation program. On the urban side, state law should be amended to require metering of all municipal water systems on an individual user basis.
3. No new surface water storage facilities should be built until California's water demand (as presented in Bulletin 160) is independently verified by a panel of third party experts. In addition, the potential ecological impacts from proposed diversions to offstream reservoirs during high flows needs further analysis.
4. The concept of "demonstration watersheds" needs further amplification, especially its relationship to the lack of a comprehensive watershed support program state-wide. The identification of significant new financial resources in the area of watershed restoration is also called for.

5. Projected population growth within the state of California and what can be done about it must be addressed in order for the goals of the CALFED program to make any sense.

6. The twenty to thirty year timeframe of this programmatic EIS/EIR is too long from the standpoint of adequacy. The scope of the document should be limited to the first seven years (Stage 1), with a supplemental review beginning within five years of initial approval of the proposed programmatic EIS/EIR.

The Trust appreciates having had the opportunity to submit these comments and hereby requests that we be provided with a response to the above concerns prior to the final adoption of the programmatic EIS/EIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. L. Merz', with a stylized flourish extending to the right.

John Merz
Chair, Board of Directors



Helix Water District

Setting standards of excellence in public service

SEP 28 1999

1385

7811 University Avenue
La Mesa, CA 91941-4927

(619) 466-0585
FAX (619) 466-1823

MEMO

To: Rick Britenbach
From: Helix Water District Board of Directors
Subject: Comments to CALFED
Date: September 9, 1999

Please note that the Helix Water District Board of Directors wish to have the enclosed comments noted at the hearing on CalFed's draft EIS/R.

They were prepared for delivery at the September 1, 1999 Public Hearing in San Diego, but time was short.

**Elected Board
of Directors:**
Barbara J. Barber
President

Dr. Lillian M. Childs
Vice President
James J. Lewanski, P.E.
Harold W. Ball
H. Warren Buckner

Staff:
Donald J. Kuhl
General Manager

Lynn E. Young
Board Secretary

Legal Counsel:
Scott C. Smith

THE CALFED PUBLIC HEARING, SEPTEMBER 1, 1999:

Good evening. Thank you for being here to hear our comments. I'm Don Kuhl, General Manager of the Helix Water District. I have been asked to make the following remarks on behalf of our Board, following a spirited discussion of the CALFED process. Helix serves nearly a quarter-of-a-million residents in east San Diego County. We are very serious about our commitment to supply high quality water, efficiently, and at a reasonable cost.

For these reasons we have supported the CALFED process since its beginning. It is our belief that a reliable water supply can be generated from the Bay-Delta. It is not clear from the draft EIS/EIR how the project will generate long-term increases. It is our hope that the CALFED council will work with urban water providers to develop methods to produce the much-needed increases. Helix will continue to have an aggressive conservation program that includes ongoing participation and financial support for the 4.2-acre, \$3.3 million garden we helped to develop. The 35-year-old education program helps educate our customers to better manage our meager water resources.

Helix is dedicated to safeguarding the health of our consumers. We do extensive testing of all the water we treat. We are in the process of building in advanced treatment with ozone to further improve water quality. It is our hope that water generated through the Bay-Delta will be of sufficient quality to enable urban water agencies to meet drinking water treatment regulations and to safeguard public health.

We are in hopes that the CALFED process meets its original objectives in a balanced, fair, and timely manner. It is just a matter of time until the next major drought occurs. It is absolutely vital and essential to all parties that the agreements be in place and the implementation begun before the crisis arises. The people of the State of California deserve no less from your efforts. We will continue to support such efforts and encourage our legislators to do likewise.

We feel that those stakeholders contributing to the program should share in the benefits.

We encourage the establishment of a workable process to allow continued comment and participation in the final decision as to the alternative plan.

The quarter-of-a-million residents of the Helix Water District deserve a reliable supply of high quality water and have a right to expect guidelines that balance the needs of urban water users with other interests.

Thank you.

SEP 28 1999

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SIERRA NEVADA ALLIANCE

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sna@sierranevadaalliance.org

September 23, 1999

President
Stan Weidert
Biologist

Vice President
Bill Center
Camp Lotus

Secretary
Scott Kruse
Biophysical Geographer

Treasurer
Patty Brissenden
Sorensen's Resort

Executive Director
Laurel W. Ames

Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth St. #1155
Sacramento, Ca 95814

Dear Mr. Breitenbach,

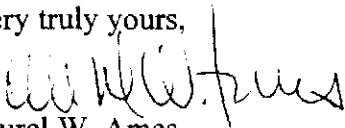
The Alliance is pleased to submit comments on the CALFED Bay-Delta Program EIS/EIR. The Alliance has participated in the BDAC Watershed Work Group and sits on the Ecosystem Roundtable. We are very concerned with the health of the upper watersheds and their benefit to and potential for adverse impacts on the waters of the Bay and the Delta.

Watersheds produce clean water in direct proportion to the health of the watershed. The Sierra Nevada Alliance is committed to assuring that Sierra watersheds are restored and protected in order to achieve ecosystem health and to produce clean water for riparian and aquatic health, drinking water, and, with the support of the users of Sierra water, the Bay-Delta ecosystem.

Unfortunately, the CALFED Bay-Delta Program EIS/EIR fails to address the benefits and impacts of the upper watersheds, fails to link the watersheds to water quality, reliability, and flooding and efficiency, and fails to assess the impacts and benefits that are implicit in those linkages.

Our comments are attached. Thank you for the opportunity to comment.

Very truly yours,


Laurel W. Ames
Executive Director

Board of Directors:

Jim Baetge
*Tahoe Regional Planning
Agency*

Randy Barrow
Attorney

Joan Boothe
Organizational Consultant

Martha Davis
Californians and the Land

Shawn Garvey
*South Yuba River Citizens
League*

Bob Kelso
Business Owner

Lynn Sadler
Mountain Lion Foundation

John Thorne
Thorne's Tree Service



September 23, 1999

SIERRA NEVADA ALLIANCE COMMENTS
CALFED BAY-DELTA PROGRAM EIS/EIR

1. CalFeds' watershed program acknowledges that watersheds exist, but in any effort to integrate the watershed program with the other common elements, the connection collapses if there are no anadromous fish that will be affected. This apparent defining status of watersheds that matter and watersheds that don't precludes the program from taking a serious look at the environmental benefits that can be achieved from watershed restoration of **all** watersheds that are tributary to the Bay-Delta, whether previously or currently supporting anadromous fish and other aquatic species.

A fundamental principle of watershed restoration is that the restoration processes must start at the top and work down. The tributaries to the Bay and the Delta hold the key to restoring the Bay-Delta ecosystems - - without clean water from the tributaries the efforts to restore the Bay-Delta that assume clean water but do nothing to attain clean water will be doubly difficult.

Comment: the EIS/R fails to connect the dots between the health of the upper watersheds and the benefits to the efforts to restore the Bay-Delta ecosystem. The lack of such an analysis precludes understanding the impacts of not restoring upper watershed health. The EIS/R fails to include an alternative that adequately explains the interrelatedness of upper watershed health to the CalFed goal of developing a long-term comprehensive plan that restores the ecosystem health and improves water management for beneficial uses of the Bay-Delta ecosystem

2. The Sierra Nevada Alliance has been working to help new watershed groups develop. We are appalled that the plan proposes that watershed restoration is to become self-sufficient for program management and administration.

Comment: There is no analysis of the environmental impact of one element, and one element only, becoming financially self-sufficient. Does the EIS/R assume that this requirement would provide the same level of environmental benefits as a fully funded program? If the assumption is that a self-sufficient program would be environmentally more effective in providing environmental benefits, then why wasn't it applied to other elements of the program? Please address the assumptions, intent and environmental impact of this unusual implementation recommendation that separates funding for watershed restoration from other common elements.

3. Watershed groups find that they must include other common elements such as water quality, species habitat, flood management, water use efficiency and economic benefits as they assess and design watershed restoration projects. These linkages are

obvious to watershed groups and these issues are included in the process of development of watershed restoration plans.

Comment: The collection of documents that make up the program fail to develop the environmental linkages between the watershed restoration program and the other common programs. This leads to a significant deficiency in the EIS/R and raises the question: "How can a program with discrete program elements analyze the environmental impact of the program if the pieces are analyzed separately and no linkages established between them?" Where is the cumulative impact of the implementation of all the program elements? How can a programmatic analysis be assumed in the EIS/R when there is no description or understanding of how the parts relate to each other?

4. It is important not to confuse **water** management with **watershed** management. But the two are inextricably linked because of the watershed restoration benefits to water management. This linkage is never explained in the documents and the benefits of **watershed** restoration and management are not calculated in the environmental impacts analysis. It would be unconscionable for CalFed to promote expensive public works projects without understanding the extent of the benefits to the state's water budget from **watershed** restoration.

Comment: Prior to implementation of additional large-scale **water** management projects that relies on constructing additional and massive public works projects, the low-cost benefits of **watershed** restoration must be assessed and disclosed in the EIS/R.

5. The program is intended to have a life of 30 years, yet without adequate baseline it is difficult to understand how informed choices about the best mix of watershed management activities and new water management infrastructure can be made.

Comment: CalFed must limit the ROD to the length of time in Stage 1 so that an adequate baseline of data can be developed, the linkages between the common programs can be established and analyzed, and a coherent water future for California can be established. Completing those Stage 1 actions which are relatively well defined and well accepted would qualify as doing the least harm.

6. The proposed Watershed Management Program actions and budgets are woefully inadequate to launch the watershed restoration program that is needed to protect and restore the Bay-Delta. We assume that the lack of adequate funding is due to the lack of understanding of the linkages between the program elements, and especially the watershed management program to water quality, reliability, and efficiency. Since the linkages are so poorly understood, the analysis that led to a paltry level of funding would likely follow.

Comment: Watershed groups have a clearer understanding of the costs and benefits of watershed funding. We estimate that \$270 million per year will begin the